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INTRODUCTION

This handbook has been developed to guide Ohio Department of Transportation (ODOT) environmental staff, local public agencies (LPAs) and consultants in their preparation of categorical exclusion confirmations and scoping for environmental assessments and environmental impact statements. A standard form has been designed to provide a consistent process resulting in a more thorough and efficient advancement of projects that are expected to have minor environmental involvement. This new process is intended to be user-friendly and is expected to expedite document preparation and review.

With the May 1, 2000 programmatic categorical exclusion agreement (included in the reference section of this handbook), ODOT and the Federal Highway Administration (FHWA) have agreed to four levels of review and approval for categorical exclusion (CE) projects. These four levels of review and approval for CEs will be determined using the same criteria for both federal and/or state actions (funding, approval, etc.). The appropriate level of a CE is based on the type of action and the conditions of the project. The provisions of the revised CE process provide for:

- 1) ODOT districts and ODOT's Office of Environmental Services (OES) to act on behalf of FHWA in assuring compliance with all applicable federal environmental and related requirements.
- 2) A process that will be consistent in documenting information that allows for defensible CEs on a statewide basis.
- 3) A process that is concise and easy to follow.
- 4) A process that allows those with limited exposure to the environmental process to follow, provide the proper information and make appropriate decisions within the bounds of the programmatic agreement; and
- 5) A process that uses technological advances by reducing the amount of paperwork and providing a digital format for processing.

The revised CE process has been developed to conform with the following guidelines and regulations:

- The National Environmental Policy Act of 1969, as amended.
- The Council on Environmental Quality (CEQ) *Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act* (November 29, 1978).
- U.S. Department of Transportation ORDER 5610.1C (September 18, 1979).



- U.S. Department of Transportation Act of 1966, Code of Federal Regulations, Title 23 - Highways, Chapter I, Subchapter H, Part 771 (effective December 29, 1980, amended September 8, 1987).
Federal Highway Administration, *Federal Aid Policy Guide* and Technical Advisory 6640.8A (October 30, 1987).
- Clean Air Act Amendments of 1990.
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (February 11, 1994).

All coordination, evaluations and decisions made by ODOT under this process will be adequately documented with the use of a categorical exclusion form (attachment 2). This standard form has been designed for use in preparation of CE Level 2, 3, and 4 documents for transportation projects (these levels are discussed in detail later in this handbook). CE Level 1 documents are actions that meet the criteria for a CE as described in the CEQ regulations, but normally do not require any further NEPA reviews by the administration. For a CE Level 1, a separate document, the supplemental project information (SPI) form, is used (attachment 1). This level also is discussed in detail later.

There also have been numerous process changes implemented within this publication that will help ensure compliance with agreements between ODOT and FHWA. Compliance with the process outlined in this handbook will allow for consistent documentation review and approval procedures that are necessary for the efficient delivery of projects.

This handbook is dated August 8, 2000.

It has been prepared and revised with the combined efforts of the Ohio Department of Transportation, Office of Environmental Services (OES), districts, consultants and FHWA. If there are any questions regarding the contents of this handbook, the CE form or attachments, please contact Timothy M. Hill, OES administrator, at (614) 644-0377.

The Ohio Department of Transportation has referenced other state CE processes and would like to thank the following for assistance:

***Pennsylvania Department of Transportation
Maryland Department of Transportation
Michigan Department of Transportation***

This handbook can be downloaded from the OES web page at www.dot.state.oh.us/oes/policy

CLASSES OF ENVIRONMENTAL DOCUMENTS



The National Environmental Policy Act (NEPA) mandates that the type of documentation for federal actions be determined by the potential impacts projects may have on the surrounding natural, cultural, and social environment.

There are three classes of action that prescribe the level of documentation required in the NEPA process for federal actions. These three classes of action are listed below:

Class I, Environmental Impact Statement (EIS): As described in the CEQ regulations, a detailed written report that provides “full and fair discussion on significant environmental impacts and [informs] decision-makers and the public of the reasonable alternatives that would avoid or minimize adverse impacts or enhance the quality of the human environment.”

Class II, Categorical Exclusion (CE): A classification given federal actions that do not have a significant effect on the environment either individually or cumulatively. Once a CE is approved for a project, requirements of the National Environmental Policy Act (NEPA) have been satisfied.

Class III, Environmental Assessment (EA): A document prepared for federal actions that is not eligible for a CE and does not appear to be of sufficient magnitude to require an EIS. An EA provides the analysis and documentation to determine if an EIS or a finding of no significant impact (FONSI) should be prepared.





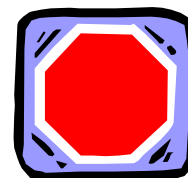
THE FOUR LEVELS OF CATEGORICAL EXCLUSIONS

ODOT and the FHWA have agreed to four levels of review and approval for categorical exclusion projects. These four levels of review and approval for CEs will be determined using the same criteria for both federal and/or state actions (funding, approval, etc.). The appropriate level of a CE is based on the type of action and the conditions of the project.

Projects Exempt from CE Documentation

Due to the limited scope of work for certain projects and based on past experience with similar actions, FHWA and ODOT will not require documentation for the actions listed below. These projects are standard stand alone maintenance functions that, based on ODOT's and FHWA's past experience, will not result in any significant impacts to the human or natural environment:

- Guardrail replacement where no new bank stabilization is required,
- The replacement of traffic signals within existing ROW, (provided no work takes place within any historic districts),
- General pavement marking or "line painting" projects,
- The installation of raised pavement markers,
- Herbicidal spraying within existing ROW,
- Mowing or brush removal/trimming projects within existing ROW,
- The installation or maintenance of signs, pavement markings and/or replacement fencing,
- Study type projects (i.e. feasibility studies, etc.),
- Bridge deck overlays, bridge deck replacements, and other maintenance activities, including bridge painting projects provided project doesn't involve any work within streams, rivers, scenic river corridors or historic properties,
- General highway maintenance, including filling potholes, crack sealing, mill and resurfacing, joint grinding/milling, etc.



**No documentation is
required for these
projects.**



CE Level 1

CE level 1 projects (Table 1) assume little or no impact to the environment. OES requires that the CE level 1 form (supplemental project information form) be completed and kept on file by the district and OES. CE level 1 projects will not result in the displacement of any permanent structures or result in the acquisition of lands protected by Section 4(f) requirements. These projects will involve minor amounts of right-of-way (strip takes) and no impacts to wetlands or Section 106 resources will occur. The District Environmental Coordinator (DEC) shall confirm that these actions meet the criteria for CE level 1 projects. Only the DEC signature is required for CE level 1 projects. Projects that do not meet the criteria for CE level 1 projects shall be processed at the next appropriate higher level.

Table 1

CE Level 1 Projects Include the Following:

1. Approval of utility installations along or across a transportation facility provided no drainage of wetlands will occur.
2. Construction of bicycle and pedestrian lanes, paths and facilities provided that no new disturbance will occur (e.g. designations of certain highways as bike routes, painting of existing paved shoulders as bike lanes, etc.).
3. Transfer of federal lands pursuant to 23 USC 317 when the subsequent action is not an FHWA action.
4. Landscaping.
5. Installation of new fencing, signs, small passenger shelters, traffic signals and railroad warning devices where no substantial land acquisition, traffic disruption or the elimination of on-street parking will occur.
6. Emergency repairs under 23 USC 125.
7. Acquisition of scenic easements.
8. Improvements to existing maintenance facilities, rest areas and truck weigh stations.
9. Ridesharing activities.

Con't on pg. 4

Table 1 con't.



10. Transportation corridor fringe parking facilities and park-and-ride lots for ridesharing.
11. Approvals for disposal of excess right-of-way or for joint or limited use of right-of-way where the proposed use would have minimal or no adverse social, or economic or environmental impacts.
12. Wetland mitigation activities.
13. Culvert and small structure replacement/reconstruction that involve no more than minimal additional right-of-way necessary to grade around the new bridge/culvert plus any necessary channel work. **(All permits and coordination are still required). (If an individual permit is required, the project cannot be processed as a CE Level 1.)**
14. Modernization of a highway by resurfacing where no new bank stabilization or shoulders are added.
15. Tower lighting projects.
16. Track and rail-bed improvements, maintenance activities or acquisition.
17. Acquisition of land for hardship or protective purposes; advance land acquisition loans under section 3(b) of the UMT Act. Hardship and protective buying will be permitted only for a particular parcel or a limited number of parcels. These types of land acquisition qualify for a CE only where the acquisition will not limit the evaluation of alternatives, including shifts in alignment for planned construction projects, which may be required in the NEPA process. No project development on such land may proceed until the NEPA process has been completed.
18. Minor enhancement or facility improvement projects (i.e. installation of park benches, decorative lighting, etc.)

Projects that involve any of the following will not be considered eligible for processing as a CE level 1:

- **Section 106 resources**
- **Section 4(f) impacts/use**
- **Wetland impacts**
- **Scenic river corridor**
- **Individual 404 or Section 10 permits**
- **Coast Guard permit**
- **Substantial traffic disruption**



CE LEVELS 2 and 3 ACTIONS

Table 2 includes a list of actions that ODOT and FHWA have agreed are normally CE level 2 or 3 actions. The items in this table can be broken down into the associated level by applying the criteria listed on pages 5, 6 and 7.

Table 2

CE Level 2 and 3 Projects Include the Following

1. Modernization of a highway by resurfacing, restoration, rehabilitation, reconstruction, adding shoulders, or adding through lanes (with the exception of interstate or "interstate-like" Freeways) or auxiliary lanes (e.g., parking, weaving, turning, climbing).
2. Highway safety, truck escape ramps or traffic operation improvement projects including the installation of ramp metering control devices and lighting.
3. Bridge rehabilitation, reconstruction, or replacement, the construction of a grade separation to replace existing at grade railroad crossings, or the removal of existing railroad grade separation structures.
4. Construction of an interchange to replace an existing at grade intersection.
5. Construction of new bus storage and maintenance facilities in areas used predominantly for industrial or transportation purposes where such construction is not inconsistent with existing zoning and located on or near a street with adequate capacity to handle anticipated bus and support vehicle traffic.
6. Rehabilitation, reconstruction or conversion of existing rail and bus buildings and ancillary facilities where only minor amounts of additional land are required and there is not a substantial increase in the number of users.
7. Construction of bus transfer facilities (an open area consisting of passenger shelters, boarding areas, kiosks and related street improvements) when located in a commercial area or other high activity center in which there is adequate street capacity for projected bus traffic.
8. Construction or conversion of rail storage and maintenance facilities in areas used predominantly for industrial or transportation purposes where such construction is not inconsistent with existing zoning and where there is no significant noise impact on the surrounding community.



Con't. on pg 6

Table 2 con't.

9. Construction of new truck weigh stations or rest areas.
10. Construction of ODOT storage and maintenance facilities in areas used predominantly for industrial or transportation purposes where such construction is not inconsistent with existing zoning and where there is no significant environmental impacts.
11. Noise walls/mitigation projects.
12. Construction of bicycle and pedestrian lanes, paths or facilities.
13. Approvals for changes in access control that involve the National Highway System and limited access ROW.



CE Level 2 Criteria

The following criteria apply to projects classified as CE level 2 projects. The DEC and the District Planning & Program Administrator will confirm that these actions are within the limits of these criteria and meet the intent of CE level 2 projects.

Table 3

Impacts of CE Level 2 Projects Can Involve:

1. Minor right-of-way (ROW) acquisition involving a maximum of 4 hectares (10 acres) or involving the maximum of 2 relocations. *(The context and intensity of the impact may require the CE to be elevated to the next higher level. Confirmation (by ODOT) shall be made that the acquisition will not result in significant impacts to the community or environment)*
2. Minor amounts of hazardous materials (involvement limited to petroleum related underground storage tanks and/or releases).
3. Wetland impacts that do not result in the preparation of an Individual 404 or 401 permit. (Enough information to issue a wetland finding must be included in the CE documentation.)
4. No effect or no historic properties affected or a no adverse effect determinations on historic or archaeological resources that are on or eligible for the National Register of Historic Places, not involving an archaeological phase III recommendation.
5. Minor public or agency controversy on environmental grounds *(no opposition from any organized groups or agencies and no unresolved environmental coordination)*.

Projects that involve any of the following will not be considered eligible for processing as a CE level 2:

- Addition of through travel lanes,
- Construction of an interchange to replace an existing at grade intersection,
- Coast Guard permit,
- Section 4(f) impacts/use,
- Individual Section 10 permits,
- Substantial flood plain impacts,
- Impacts to threatened or endangered species, or
- Any disproportionately high and adverse impacts relative to environmental justice.



CE Level 3 Criteria

The following criteria apply to projects classified as CE level 3 projects. The confirmation that these actions meet the intent of CE level 3 projects will be made by the administrator or one of the assistant environmental administrators in the Office of Environmental Services within ODOT.

Table 4

IMPACTS OF CE LEVEL 3 PROJECTS COULD INVOLVE:

1. Right-of-way (ROW) acquisition involving a maximum of 8 relocations or up to 8 hectares (20 acres) of permanent right-of-way. *(The context and intensity of the impact may require the CE to be elevated to the next higher level. Confirmation shall be made to determine that the acquisition will not result in significant impacts to the community or environment.)*
2. Historic or archaeological resources that are on or eligible for the National Register of Historic Places. This includes findings of an adverse effect provided that an Individual Section 4(f) determination is not required. *If the requirements of a Programmatic Section 4(f) are met, the project does not necessarily need to be submitted to FHWA for confirmation of the CE status. It can remain a CE level 3 provided that the Programmatic Section 4(f) has been coordinated through FHWA.*
3. Wetland impacts of 2 hectares (5 acres) or less. (Enough information to issue a wetland finding must be included in the CE documentation.)
4. Substantial public or agency controversy on environmental grounds *(strong opposition from organized groups or agencies)*. CE documentation must demonstrate that the public or agency concerns have been addresses and is attached.
5. Section 4(f) impacts/use that fall within the bounds of a programmatic 4(f), provided that FHWA has concurred with the 4(f) determination.

Projects that involve any of the following will not be considered eligible for processing as a CE level 3:

- **Section 4(f) impacts/use *(Requiring an individual Section 4(f) determination)*,**
- **Substantial/significant flood plain impact,**
- **Impacts to threatened or endangered species,**
- **Requiring an individual air quality analysis, or**
- **Any disproportionately high and adverse impacts relative to environmental justice.**



CE Level 4 Criteria

Actions with impacts not discussed in this agreement or with higher impacts than listed require coordination with FHWA. These actions must be coordinated with OES and approved by FHWA.

Table 5

CE LEVEL 4 PROJECTS:

Projects in this category must meet the intent of 23 CFR 771.117 (d) and satisfy the criteria for CE Classification. Based on past experience with similar actions, these actions do not involve significant environmental impacts.

Other Projects Eligible for CEs

If a proposed CE project is not one of the actions listed in Table 1 or Table 2, the project may still be eligible to obtain NEPA clearance with a CE. As stated on page 5 of the attachment to FHWA Technical Advisory T 6640.8A dated October 30, 1987:

Any action which meets the CE criteria in 23 CFR 771.117(a) may be classified as a CE even though it does not appear on the list of examples in Section 771.117(d). The actions on the list should be used as a guide to identify other actions that may be processed as CEs. The documentation to be submitted to the FHWA must demonstrate that the proposed project will not result in significant environmental impacts. The classification decision should be documented as a part of the individual project submissions.

Therefore, any action may be classified as a CE if it meets the criteria from 23 CFR 771.117(a) and if it does not exhibit any of the criteria in 23 CFR 771.117(b).

Section 23 CFR 771.117(b) reads as follows:

Any action which normally would be classified as a CE but could involve unusual circumstances will require the administration, in cooperation with the applicant, to conduct appropriate environmental studies to determine if the CE classification is proper. Such



unusual circumstances include:

- (1) Significant environmental impacts;
- (2) Substantial controversy on environmental grounds;
- (3) Significant impact on properties protected by Section 4(f) of the DOT Act or Section 106 of the National Historic Preservation Act; or
- (4) Inconsistencies with any federal, state, or local law, requirement or administrative determination relating to the environmental aspects of the action.

In consultation with the Office of Environmental Services, consider the class of action to ensure that the project will not involve any of the four unusual circumstances in 23 CFR 771.117(b) shown above. If the project is estimated to be eligible for a CE, the documentation to be submitted must demonstrate that the proposed project will not result in any of the four unusual circumstances shown above. The aforementioned documentation may be a CE prepared in accordance with the guidance provided in this handbook and processed as a CE level 4.



THE CATEGORICAL EXCLUSION PROCESS

Categorical Exclusions (CE) Development Process Defined

Categorical exclusions are actions which meet the definition contained in 40 CFR 1508.4 and, based on past experience with similar actions, do not involve significant environmental impacts. They are actions which: do not induce significant impacts to planned growth or land use for the area; do not require the relocation of significant numbers of people; do not have a significant impact on any natural, cultural, recreational, historic, or other resource; do not involve significant air, noise, or water quality impacts; do not have significant impacts on travel patterns; or do not otherwise, either individually or cumulatively, have any significant environmental impacts. (*Section 23 CFR 771.117(a)*)

Categorical exclusions comprise a large majority of the environmental documents prepared for highway projects in Ohio. To ensure that the environmental review process contributes to the overall success of highway improvements, project sponsors are encouraged to follow the 5-Step CE Process. This process is intended to guide project sponsors through the critical decision making areas typically experienced in the preparation of CEs.

The 5 critical steps of the CE process defined below can be utilized for preparation of all CEs, especially CE level 3 and 4 projects. CE level 1 and 2 projects will generally have similar critical path elements, but may not require an as intense level of study as explained within the 5 Step CE Process. While CE level 2 projects can have detailed field investigations, for the most part, these projects do not require all of the processes explained within the steps. Additionally, these steps may occur concurrently or some may not occur at all depending on the level of the project.

The following steps comprise the CE process:

- Step 1: *Purpose & Need***
- Step 2: *Preliminary Studies***
- Step 3: *Preferred Alternative,***
- Step 4: *Approval of the Environmental Document, and***
- Step 5: *Final Design and Construction***



ODOT's interest in managing projects more effectively initiated the development and use of Gantt charts for projects. The sample CE Gantt chart (Attachment 5) identifies the steps and their associated tasks, the duration necessary to accomplish each task and their links to other tasks. Understanding the relationship between tasks is critical to keeping the project on schedule and for identifying opportunities to compress the schedule. This Gantt chart assumes a CE level 4 with Section 4(f) impacts. The time frame for a typical CE 4 is 2.3 years. Lower level CE's will take less time.

Definitions of Steps

Step 1: Purpose & Need

a) Preparation of the purpose and need for the project

The project purpose and need drives the process for considering alternatives, analyzing reasonable strategies and ultimately selecting the preferred alternative. The purpose and need statement must clearly demonstrate that a transportation need exists. The statement must provide tangible, quantifiable data to support the need for the project, and it should be comprehensive, specific, and concise. The goals and objectives of the proposed action also must be identified in the statement.

Confirmation of the purpose and need for the project, establishment of the logical termini and demonstration of its independent utility are critical to the overall process. (See page 27 for basic ingredients of purpose and need statements). A clear, well-defined purpose and need statement also is an essential element for successful agency coordination during NEPA and permitting processes. Without a well-defined, well-established and well-justified purpose and need, it will be difficult to determine which alternatives are reasonable, prudent and practical.

b) Identification of the study area

Establishing the study area is a key point in the CE process for determining the limits of the project. The limits of the study area should be based on logical termini and the purpose of the project. The study area should be large enough to encompass a range of alternatives that meet the purpose and need. Both the study area and the logical termini should be established in such a manner that potential alternatives are not eliminated from consideration simply due to an overly restrictive choice on the logical termini. The study area will serve as the boundary for identifying all environmental, social and cultural resources for the project.

c) Conducting preliminary engineering to develop feasible alternatives



During the CE process, preliminary engineering to develop feasible alternatives is performed concurrently with environmental studies. The preliminary engineering includes:

- A request for traffic data from the office of technical services. This data is used to determine the location of interchanges and other access points, grade separations, trip generators, level of service, number of travel lanes, and other safety/capacity issues in the study area.
- Development of alignment and profiles to illustrate mainline curvature, number of lanes, approximate work limits, points of access, cross-road separations, railroad crossing separations, service roads, retaining walls and structures, complex/non-complex drainage conveyances, and landlocked properties.
- Identification of major utilities and determine if they will require relocation. Identify possible sites for relocation. Estimate the total cost for the utilities to be relocated. Separately, state the project cost and utility owner cost.

The results of preliminary engineering as well as the location of environmental resources are plotted on a common base map. ODOT then initiates coordination with resource agencies to gain input on the various alternatives. A public meeting may be held to obtain input from the public on the project and the alternatives under consideration. Following the comment period, prepare a summary of the comments received and provide a copy to the district.

Developing these preliminary engineering details early, builds the foundation for the project. Additionally, the preliminary engineering will aid the project sponsor in developing a realistic and practical project that meets the purpose and need.

d) Initiation of environmental studies

Initiating environmental studies should include identification of environmental, social and cultural literature searches for project area resources. This task then involves mapping the inventoried information on a study area exhibit (aerial photography or other mapping as appropriate). Utilizing the base mapping developed for the project, the exhibit should show all features identified in the study area. Each resource should be identified to assist in describing the resource visually and clarifying the area of potential effect. Information collected and verified in field reviews also should be included in the study area exhibit. In the case of CE level 3 and 4 projects where more studies and reports may be required, the project sponsor will need to carefully document and follow-up on project issues.

d) Develop mailing list of public/property stakeholders

The stakeholders are identified during this step in the process. The stakeholders may include government officials, business and civic leaders, school officials, church leaders, the convention and visitors bureau, chamber of commerce leadership, other persons who might be considered community leaders, property owners, property occupants and residents within the study area. Depending on the



type and level of the CE project, the project sponsor should keep stakeholders well informed on the process and issues that may be of concern to the community.

e) Public notification

In order to properly notify the public of project activity (project intent, need to access property, etc.,) the project sponsor will need to ensure that necessary steps are taken to keep people informed. Public notification is expected and some type of public coordination will be performed for all projects (See Part II, Section G for Public Involvement suggestions and information.).

As early as possible during the processing of a CE project, the district should provide mapping that identify potential parcels that could be impacted by a specific project to the regional real estate office. The regional real estate office can assist by supplying the district with an accurate list of names and addresses of residents. At the minimum, a letter should be sent to all property owners in the project area. Early coordination with the public is critical in obtaining acceptance for the project and notification of project activities is one of the first steps in the process.

Gantt Chart Components of Step 1:

STEP 1: PURPOSE and NEED	Duration	Start	Finish
Define program/project, identify limits, select consultant	110 d	Fri 3/31/00	Thu 8/31/00
Authorize consultant	1 d	Fri 9/01/00	Fri 9/01/00
Develop purpose and need	25 d	Fri 3/31/00	Thu 5/04/00
Document P& N	15 d	Fri 3/31/00	Thu 4/20/00
Review P& N	10 d	Fri 4/21/00	Thu 5/04/00
Engineering studies	30 d	Fri 5/05/00	Thu 6/15/00
Start preliminary engineering studies to develop feasible alternatives, identify the study area	30 d	Fri 5/05/00	Thu 6/15/00
Public Information	15 d	Mon 9/4/00	Fri 9/22/00
Identify stakeholders	10 d	Mon 9/4/00	Fri 9/15/00
Notify property owners and residents	5 d	Mon 9/18/00	Fri 9/22/00
TOTAL DAYS	181 d		

Step 2: Preliminary Studies

a) Beginning field studies

Field studies are conducted to identify qualitatively and quantitatively the characteristics of the natural and man-made resources within the study area. The information gathered in the literature search and the field studies will be used to avoid or minimize, where possible, potentially adverse impacts to sensitive resources. Environmental studies are conducted, if needed, to identify and map resources within the study area. Studies for this include:

- A phase I cultural resources survey (reconnaissance) identifies both prehistoric/historic



archaeology and historic architecture sites that may be impacted.

- An ecological survey that identifies the impacts of each alternative in the following areas: (1) aquatic, (2) terrestrial, (3) wetland determination, and (4) endangered species.
- An environmental site assessment is performed that identifies properties impacted by hazardous substances.
- Identification of Section 4(f) properties including publically owned public parks, recreation lands and wildlife and waterfowl refuges within the study area.

b) Continue preliminary engineering

Preliminary engineering continues in step 2 of the CE process. Project sponsors should ensure that the following preliminary engineering issues are included:

- Calculation of drainage areas and bridge/pipe sizes for major drainage ways based on the proposed alignment and profile. Prepare a graphic solution for minor drainage.
- Cost estimates that include construction, right-of-way, and utilities.
- Calculation of right of way requirements, identification of property owners, delineation of structures to be taken, identification of the number and type of relocations, acreage to be taken, residuals, etc.
- Determination of how traffic will be maintained during construction. Include costs in the project estimate.

c) Environmental impact assessment

Once literature searches, environmental studies, preliminary engineering and resource areas are identified, the project sponsor should assess the potential impacts in the project area. Understanding the location of environmental, social and cultural impacts will allow the project to avoid critical or protected resources. Secondary and cumulative impacts also should be taken into consideration when evaluating options for a preferred alternative. In compliance with NEPA and CEQ regulations (40 CFR 1508), the secondary and cumulative impacts of a project also must be determined along with the direct impacts.

- Direct impacts are those that are caused by an action and occur at the same time and place as the action.



- Secondary (or indirect) impacts are those impacts that would result from the project but would occur later in time or farther removed in distance, although still reasonably foreseeable. They may include growth-inducing effects or other effects related to changes in the pattern of land use, population density, or growth rate.
- Cumulative impacts are those impacts on the environment that would result from the incremental impact of the project when added to other past, present, and reasonably foreseeable future actions, regardless of what agency undertook the action.

In determining the intensity of an impact, the following factors should be taken into consideration:

- *Beneficial effects* - a significant environmental effect may exist even though the proposed action has an overall beneficial effect.
- *Public health* - the degree to which the proposed action affects public health or safety.
- *Unique characteristics* - unique characteristics of the geographical area, such as proximity to historical or cultural resources, parklands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.
- *Degree of controversy* - the degree to which the effects on the quality of the human environment are likely to be controversial.
- *Degree of unique or unknown risk* - the degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.
- *Precedent-setting effect* - the degree to which the action may establish a precedent for future actions with significant effects.
- *Cumulative effect* - whether the action is related to other actions with individually insignificant, but cumulatively significant, impacts.
- *Cultural or historical resources* - the degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in, or eligible for listing in, the National Register of Historic Places.
- *Special-status species* - the degree to which the action may adversely affect an endangered or threatened species or its habitat.



- *Violations of federal, state, or local environmental law* - whether the action threatens a violation of federal, state, or local law, or a requirement imposed for the protection of the environment.

e) Public involvement

The public is the community of all its citizens. The public may be involved with various levels of government. The public may also be leaders or participants in social enterprises, resident and non-resident property owners, resident renters, and part-time residents such as students and visitors. All have a stake in community life, particularly in protection of the cultural, natural and historical heritage and modern amenities including transportation facilities. It is extremely important that transportation agencies be aware of their relationships with the public.

Early in the process, public involvement might begin with news releases and newsletters, advising the public on transportation proposals. As transportation plans and projects are developed, the public should be informed of the progress and invited to comment. Public comments assist in identifying and evaluating alternatives for mitigation of adverse impacts and shaping proposals to meet community needs.

Informality is emphasized in public involvement to encourage an exchange of information. Soliciting public involvement cultivates public trust and confidence in the transportation agency. It helps the public better understand project decision-making under constraints of law, funding and political policy.

A community consensus on transportation proposals is best ascertained by local government officials, MPOs and other planning agencies. These sources should, and generally must, be consulted as part of public involvement. ODOT and MPOs begin determining consensus in early phases of planning as well as in preliminary development of projects. Task forces and study teams consult with local governments, planning agencies and the public for guidance and development of transportation proposals. As new alternatives, and issues surface, the involvement process must be redesigned to be included.

f) Agency coordination

During this step, participation by other affected agencies is solicited to determine critical issues. Early agency coordination aids in determining the scope of the study, the level of analysis required, the study team participants, and the specific technical requirements necessary to carry out the project.



Cooperating agencies that are identified in a project's environmental document commit to a process in which they have assigned roles, responsibilities and an understanding of the issues. The agencies with regulatory responsibilities can prevent a highway project from advancing if they do not agree that the environmental impacts and regulated effects have been adequately addressed. An agency can identify the environmental impacts and responsibilities it considers most critical and work with FHWA to ensure that the NEPA document adequately addresses them. Active participation by a cooperating agency increases the likelihood that the agency will adopt FHWA's document to satisfy its own concerns and jurisdictional responsibilities.

The cooperating agency is a team concept. By joining the project development team, the cooperating agency is offered an in-depth understanding of the project early in the project planning process, which will help it in fulfilling its responsibilities associated with the project. The lead agency should identify and work with the cooperating agency at the earliest possible stage of project development.



Gantt Chart Components of Step 2:

STEP 2: ENVIRONMENTAL SCOPING	Duration	Start	Finish
Begin field studies			
Noise analysis	95 d	Fri 6/16/00	Thu 10/26/00
Prepare noise report	25 d	Fri 6/16/00	Thu 7/20/00
Review, transmit to district/OES	10 d	Fri 7/21/00	Thu 8/03/00
Review of report	15 d	Fri 8/04/00	Thu 8/24/00
Revisions, submittal	10 d	Fri 8/25/00	Thu 9/07/00
Review, transfer to district/OES	10 d	Fri 9/08/00	Thu 9/21/00
Review and acceptance of report	15 d	Fri 9/22/00	Thu 10/12/00
Cultural resources phase I	185 d	Fri 6/16/00	Thu 3/01/01
Phase I field work, report	90 d	Fri 6/16/00	Thu 10/19/00
Review, transmit to district/OES	10 d	Fri 10/20/00	Thu 11/02/00
Review of report	15 d	Fri 11/3/00	Thu 11/23/00
Revisions, submittal	15 d	Fri 11/24/00	Thu 12/14/00
Review, transfer to district/OES	10 d	Fri 12/15/00	Thu 12/28/00
Transmit to OHPO	15 d	Fri 12/29/00	Thu 1/18/01
OHPO concurrence	30 d	Fri 1/19/01	Thu 3/01/01
Cultural resources phase II	170 d	Fri 3/02/01	Thu 10/25/01
Begin phase II field work and report	50 d	Fri 3/02/01	Thu 5/10/01
Complete field work, finish report	25 d	Fri 5/11/01	Thu 6/14/01
Review, transmit to district/OES	5 d	Fri 6/15/01	6/21/01
Review of report	15 d	Fri 6/22/01	Thu 7/12/01
Revisions, submittal	10 d	Fri 7/13/01	Thu 7/26/01
Review, transfer to district/OES	5 d	Fri 7/27/01	Thu 8/02/01
Transmit to OHPO	15 d	Fri 8/03/01	Thu 8/23/01
OHPO concurrence	30 d	Fri 8/24/01	Thu 10/04/01
Archaeology data recovery plan	145 d	Fri 10/05/01	Thu 4/25/02
Begin data recovery plan preparation	20 d	Fri 10/05/01	Thu 11/01/01
Complete recovery plan, documentation	10 d	Fri 11/02/01	Thu 11/15/01
Review, transmit to district/OES	5 d	Fri 11/16/01	Thu 11/22/01
Review by district/OES	15 d	Fri 11/23/01	Thu 12/13/01
Revisions, submittal	10 d	Fri 12/14/01	Thu 12/27/01
Review, transfer to district/OES	5 d	Fri 12/28/01	Thu 1/03/02
Transmit to OHPO	15 d	Fri 1/04/02	Thu 1/24/02
OHPO concurrence	30 d	Fri 1/25/02	Thu 3/07/02
Cultural Resources MOA	175 d	Fri 10/05/01	Thu 6/06/02
Begin documentation/MOA	20 d	Fri 10/05/01	Thu 11/01/01
Complete MOA & documentation	10 d	Fri 11/02/01	Thu 11/15/01
Review, transmit to district/OES	10 d	Fri 11/16/01	Thu 11/29/01
Review and discussion with OHPO/others	20 d	Fri 11/30/01	Thu 12/27/01
Revisions & submittal	15 d	Fri 12/2/01	Thu 1/17/02
Review, transfer to district/OES	10 d	Fri 1/18/02	Thu 1/31/02
Obtain signatures and transmit to FHWA	10 d	Fri 2/01/02	Thu 2/14/02



Gantt Chart Components of Step 2: con't.

Task Name	Duration	Start	Finish
Ecology	210 d	Fri 6/16/00	Thu 4/05/01
Field work, report	90 d	Fri 6/16/00	Thu 10/19/00
Review, transmit to district/OES	10 d	Fri 10/20/00	Thu 11/02/00
Review of report	15 d	Fri 11/03/00	Thu 11/23/00
Revisions, re-submittal with impacts	10 d	Fri 11/24/00	Thu 12/07/00
Review, transfer to district/OES	10 d	Fri 12/08/00	Thu 12/21/00
Review and prepare coordination	15 d	Fri 12/22/00	Thu 1/11/01
Coordination	45 d	Fri 1/12/01	Thu 3/15/01
Request permit determination	10 d	Fri 12/08/00	Thu 12/21/00
Do permit determination, begin permit process if applicable	15 d	Fri 3/16/01	Thu 4/05/01
Hazardous materials	240 d	Fri 6/16/00	Thu 5/17/01
ESA screening	25 d	Fri 6/16/00	Thu 7/20/00
Review, transmit to district/OES	10 d	Fri 7/21/00	Thu 8/03/00
Review of report	15 d	Fri 8/04/00	Thu 8/24/00
ESA phase 1	40 d	Mon 9/25/00	Fri 11/17/00
Review, transmit to district/OES	10 d	Mon 11/20/00	Fri 12/1/00
Review of report	15 d	Mon 12/04/00	Fri 12/22/00
Revisions, re-submittal	10 d	Mon 12/25/00	Fri 1/05/01
Review, transmit to district/OES	10 d	Mon 1/08/01	Fri 1/19/01
Review and acceptance of report	15 d	Mon 1/22/01	Fri 2/09/01
ESA phase 2	30 d	Mon 2/12/01	Fri 3/23/01
Review, transmit to district/OES	10 d	Mon 3/26/01	Fri 4/06/01
Review of report	15 d	Mon 4/09/01	Fri 4/27/01
Revisions, re-submittal	10 d	Mon 4/30/01	Fri 5/11/01
Review, transmit to district/OES	10 d	Mon 5/14/01	Fri 5/25/01
Review and acceptance of report	15 d	Mon 5/28/01	Fri 6/15/01
Section 4(f)	95 d	Fri 6/16/00	Thu 10/26/00
Do evaluation, determination	20 d	Fri 6/16/00	Thu 7/13/00
Review, transmit to district/OES	10 d	Fri 7/14/00	Thu 7/27/00
Review	15 d	Fri 7/28/00	Thu 8/17/00
Revisions, re-submittal	10 d	Fri 8/18/00	Thu 8/31/00
Review, transmit to district/OES	10 d	Fri 9/01/00	Thu 9/14/00
Review, transmit to FHWA	15 d	Fri 9/15/00	Thu 10/05/00
FHWA approval	15 d	Fri 10/06/00	Thu 10/26/00
Continue preliminary engineering - work limits, cost estimates, relocations, etc.			
Public involvement	10 d	Fri 10/13/00	Thu 10/26/00
TOTAL DAYS	530 d		

Step 3: Preferred Alternative

a) Selection of the preferred alternative



The project sponsor in consultation with ODOT, determine the preferred alternative. The decision is based on the accumulated data from all field studies, agency input, and public comments (if available). The project purpose and need, design information and environmental resource data is entered on the categorical exclusion form.

b) Completion of additional environmental studies

Conduct additional studies and coordination for the preferred alternative. These studies are undertaken if necessary:

- A noise analysis will be performed for the preferred alternative in accordance with ODOT noise policy.
- A phase II cultural resources survey (evaluation for significance) is performed on properties identified during the **environmental scoping** that may be impacted by the preferred alternative.
- A determination of applicability of Section 4(f), determination of applicability of programmatic Section 4(f) or a Section 4(f) evaluation is prepared as outlined in the FHWA Technical Advisory T6640.8A for those lands covered by Section 4(f).
- As needed, the consultant will prepare additional information to complete 106 and 4(f) coordination for cultural resources. Typical studies include: 106/4(f) evaluation, documentation/data recovery plan, documentation for consultation/MOA, etc.
- A phase II ESA for sites identified during the **environmental scoping** that will be impacted by the preferred alternative is conducted.

c) Additional public involvement as needed

This activity involves conducting any public involvement activity as appropriate. Depending on the outcome(s) of the field study(s) completed during the **environmental scoping** step, further public involvement activities could be necessary. Please reference section G, public involvement, pages 45 to 48, for more information.

d) Completion of the CE document

Information derived from these additional studies is entered on the CE form in the appropriate sections.



NOTE: Depending on the impacts of the preferred alternative additional items may be necessary to complete environmental coordination. These items include:

- Wetland delineation report
- ACOE 404 permit application
- OEPA 401 water quality certification
- Wetland mitigation plan

Gantt Chart Components of Step 3:

STEP 3: PREFERRED ALTERNATIVE	Duration	Start	Finish
Public involvement	31 d	Fri 12/14/01	Fri 1/25/02
Determine impacts, prepare for and advertise meeting	20 d	Fri 12/14/01	Thu 1/10/02
Conduct meeting	1 d	Fri 1/11/02	Fri 1/11/02
Comment period	10 d	Mon 1/14/02	Fri 1/25/02
CE document	60 d	Mon 4/08/02	Fri 7/19/02
Complete CE document	15 d	Fri 3/08/02	Thu 3/28/02
Review, transmit to district/OES	10 d	Fri 3/29/02	Thu 4/11/02
Review	15 d	Fri 4/12/02	Thu 5/02/02
Revisions, re-submittal	10 d	Fri 5/03/02	Thu 5/16/02
Review, transmit to district/OES	15 d	Fri 5/17/02	Thu 5/30/02
TOTAL DAYS	91 d		

Step 4: Approval of the Environmental Document

a) Submission of CE document for approval

Once all sections of the CE document are complete and have been reviewed, the project sponsor should submit the document to the appropriate office for approval. All CE documents must be submitted to the District Environmental Coordinator (DEC) for approval. Final signature approval of the document will depend on what level CE was assigned to the project. A CE level 1 project is approved by the DEC. CE level 1 documents are typically produced within the district environmental office.

Three (3) copies of the CE level 2 document, completed by the project sponsors and/or consultants, are submitted to the DEC. The DEC and the District Planning & Program Administrator have signature approval of CE 2 projects.



A CE level 3 document requires approval by the DEC, District Planning & Program Administrator and the Office of Environmental Services (OES) Administrator. Four (4) copies of the CE level 3 document are submitted to the DEC. The DEC will then forward the document onto OES.

CE level 4 documents, once approved by the DEC and OES Administrator, are forwarded to FHWA for final signature approval. Four (4) copies of the CE document are required. The Office of Environmental Services will forward the CE 4 to FHWA.

Project sponsors will receive a copy of the approved CE document from the DEC. OES maintains records of all CE documents.

Environmental commitments, listed in section J of the CE form, must be forwarded onto the design team once the document is approved. These commitments are important to the overall final design and must be noted within the project plans and bidding documents.

Gantt Chart Components of Step 4:

STEP 4: APPROVAL OF THE ENVIRONMENTAL DOCUMENT	Duration	Start	Finish
CE document	16 d	Fri 5/31/02	Thu 6/20/02
Review (transmit to FHWA if level 4)	15 d	Fri 5/31/02	Fri 6/21/02
Approval of CE 3 or 4	1 d	Fri 6/21/02	Fri 6/21/02
TOTAL DAYS	16 d		

Step 5: *Final Design and Construction*

a) Development of Mitigation plans (if needed)

Depending on the projects impacts to wetlands and or streams (jurisdictional “waters of the U.S.”), mitigation plans may be required. To the extent possible and based on agency correspondence, mitigation plans should be developed to offset the loss of stream and/or wetland habitats. Appropriate mitigation may include; wetland restoration, wetland creation, the purchase of mitigation credits at an approved wetland bank, restoration of degraded stream channels, riparian plantings and stream conservation easements.



b) Permit applications (if needed)

As needed, based on a permit determination, Section 404/401 Permits from the Army Corps of Engineers and Ohio EPA may be required. In addition, some projects may require U.S. Coast Guard authorization.

Mitigation and permit applications are sometimes not finalized until later in the process.

c) Final plan review for compliance with CE

Prior to PS&E submission, the District Environmental Coordinator will review the plans for compliance with the CE document.

d) Review and acceptance of change orders or other scope issues

Major change orders that involve environmental issues should be coordinated through the district environmental office.

e) Environmental mitigation monitoring and follow-up.

CATEGORICAL EXCLUSION PREPARATION

Use of the CE form ensures a thorough consideration of issues with minimal time and effort spent writing when there is minimal or no involvement of resources. To achieve prompt and efficient review and approval, include enough narrative to make the CE a “stand-alone document.” Even in those instances where a resource is present, but there is no impact, be sure to provide enough information in the remarks section for the reader to draw the same conclusion. The existence of supporting documents or studies for the CE form must be noted in the specific section (the *remarks* section) with a brief summary of the conclusions. Section 4(f) evaluations, concurrence letters from FHWA, or 404(b)(1) alternative analysis required for a project must be attached to the CE form for review and approval of the CE. All Section 106 clearance letters and agency coordination letters must be attached to the CE form before being approved. All other supporting documents should be summarized in the *remarks* section on the CE form and the documents themselves placed in the project file.

The CE form has been set up in two parts. Part I includes overall project description and identification



information. This part also includes areas to describe project design criteria, roadway characteristics, structures, anticipated design exceptions and selected maintenance and protection of traffic measures. Although detail design information is not available at this stage of the categorical exclusion process, any design assumptions that went into the formation of the project's impacts must be discussed. Engineering decisions should be made with consideration of environmental resources and the environmental consequences of implementing those decisions. A thorough evaluation of resource involvement cannot be efficiently performed without adequate engineering to produce a defined scope of work. This includes reasonable expectations that can be adjusted later if the design parameters change.

Completion of Part I should not only be useful project and design information, but it also will provide information on design criteria and existing and proposed engineering parameters considered during preparation of the CE.

Part II of the CE form is identification and evaluation of impacts of the proposed action. It is broken down into sections by resource area. Each section provides a means to document the presence (or absence) of that particular resource and space to describe the level of impacts expected to be caused by the proposed action. These are sections included to describe anticipated public and agency involvement, permits, consistency determinations, mitigation measures, and resources to be avoided by a project. The signature lines are located at the end of Part II on the CE form.

When impacts are noted, place an explanation in the *remarks* section following the subject area or attach narrative to describe the anticipated impacts and quantify the impact based on context and intensity. This also includes resources that are present within the study area, but are not directly impacted by a project (rationale for why the resource will not be impacted). The *remarks* section should contain an outline or diary of how the specific subject area was addressed.

Note any correspondence from agencies received and how their issues were resolved. Retain associated data and study materials in a project file at the originating location. Provide a brief discussion of avoidance, minimization, mitigation and enhancement for each resource impacted. Sufficient engineering should be completed in the preliminary development phase to assess environmental impacts, complete the public involvement requirements and to complete the CE form. Any preliminary plans that are developed to identify the build alternative in the environmental document should be included as an attachment or by reference. The preliminary plan should serve as a basis to proceed with the final design and to evaluate the final plans when the environmental consultation review is performed. Public involvement is required on each project that requires ROW.

Re-evaluations



Once a CE has been approved, a project and its accompanying CE must be re-evaluated before any further approvals are granted by the FHWA as described in 23 CFR 771.129 (c). Projects, which upon reevaluation remain within the limits of the original CE approval, need no further NEPA coordination with OES or FHWA. The environmental consultation form (Attachment 3) will be prepared by the district prior to plan submission for final processing and prior to contract sale. This form determines whether or not conditions of the project have changed and if the CE classification remains valid for the action.

When potentially significant changes have occurred, a re-evaluation document addressing the significance of changes in the proposed action or environmental conditions as presented in each major section of the CE must be prepared. The CE form may be used to prepare the re-evaluation document. When the CE form is used to prepare the re-evaluation document, the block at the bottom of each page of the CE form should be labeled re-evaluation and dated.

The review, concurrence and approval process for a re-evaluation document is the same as required for the approved CE.

Incorporate Mitigation Measures into Design

During plan production, the mitigation measures included in the CE must be incorporated in the project's plans, specifications and estimates. The District Environmental Coordinator (DEC) will provide an environmental commitment list to District Production. To assist with successful communication and incorporation of the mitigation measures, the DEC will review commitment(s) at various stages of plan preparation. The DEC must review the final design of the project and complete the environmental consultation form prior to plan submittal to ODOT's central office.

When necessary, environmental personnel should meet with the design team to further discuss mitigation measures. During any pre-construction meetings that take place for a project with an approved CE, the District Environmental Coordinator should discuss any mitigation measures included in the project with the meeting attendees.

CE FORM - PART I



General Project Identification, Description and Design Information

Following is an explanation of what detailed information should be included in part I of the categorical exclusion form.

Note that at the bottom of each page of the CE form is space to enter the date and type of CE. Enter here whether the project is a CE level 2, 3, 4 or a re-evaluation.

The level of detail needed in the project description, purpose and need, and alternatives discussion sections of Part I of the CE form (Attachment 2) varies. Generally for routine projects, these sections should be very brief. However, for other projects where the involvement of environmental and engineering features is not effectively conveyed by the remainder of the CE form, more detailed information is required to help the reader paint the mental image of the project.

Project Description

Describe in detail the scope of work for this project. Include a discussion on logical termini, when applicable, and attach location map(s), including a United States Geological Survey (USGS) quadrangle map for the project area, and other illustrations to adequately describe the project. Discuss any major issues associated with the project. Project location maps are required for any submittal.

Project Purpose and Need

Discuss the project's purpose and need. The purpose and need is a written description of the transportation problem or other need which the proposed project is intended to address. It will vary with the scope of the proposed project.

A clear, well-justified purpose and need statement/section explains why the expenditure of funds is necessary and worthwhile. In addition, while environmental impacts can be expected with the construction of a transportation project, the purpose and need section should justify the project's importance so that the decision maker and the public can weigh the merits of the project against the impacts of the project and come to a logical conclusion on which alternative course of action to pursue.

The project purpose and need drives the process for alternatives consideration, in-depth analysis and ultimate selection. A well-justified purpose and need is vital to meeting the requirements of the



Executive Orders on Wetlands (E.O. 11990) and Flood Plains (E.O. 11988), Section 404(b)(1) Guidelines and Section 4(f). Without a well-defined, well-established and well-justified purpose and need, it will be difficult to determine which alternatives are reasonable, prudent and practical.

The transportation planning process, which includes regional, subarea and corridor planning, can serve as the primary source of information for establishing the basic purpose and need as well as evaluating alternatives. Planning also can estimate the benefits and costs associated with a proposed project which can be used in the development of the project's purpose and need.

Basic Ingredients of Purpose and Need:

The following is a list of items typically considered in the explanation of the need for a proposed action. It is by no means all-inclusive or applicable in every situation and is intended only as a guide.

- Project status - Briefly describe the project history including actions taken to date, other agencies and government units involved, actions pending, schedules, etc.
- System linkage - Is the proposed project a "connecting link?" How does it fit in the transportation system?
- Capacity - Is the capacity of the present facility inadequate for the present traffic? Projected traffic? What capacity is needed? What is the level(s) of service for existing and proposed facilities.
- Transportation demand - Including relationship to any statewide plan or adopted urban transportation plan together with an explanation of the project's traffic forecasts that are substantially different from those estimates from the 23 U.S.C. (Section 134) planning process.
- Legislation - Is there a federal, state or local governmental mandate for the action.
- Social demands or economic development - New employment, schools, land use plans, recreation, etc. What projected economic development/land use changes indicate the need to improve or add to the highway capacity?
- Modal interrelationships - How will the proposed facility interface with and serve to complement airports, rail and port facilities, mass transit services, etc.?
- Safety - Is the proposed project necessary to correct an existing or potential safety hazard? Is the existing accident rate excessively high? Why? How will the proposed project improve it?
- Roadway deficiencies - Is the proposed project necessary to correct existing roadway deficiencies (e.g. substandard geometric's, load limits on structures, inadequate cross-section or high



maintenance costs)? How will the proposed project improve it?

In summary, the purpose and need section of the NEPA document should lay out why the proposed action, with its inherent costs and environmental impacts, is being pursued. If properly described, it will limit the range of alternatives which may be considered reasonable, prudent and practical. Further, it demonstrates the problems that will result if the project is not implemented.

There are five key points to remember relative to the purpose and need section in a NEPA document. The purpose and need should:

- Justify why the improvement must be implemented,
- Establish logical termini and intermediate control points,
- Establish the improvements independent utility and independent significance,
- Be as comprehensive and specific as possible; and,
- Be re-examined and updated as appropriate throughout the project development process.

Design Criteria for Project

List all design criteria necessary for this project. Although detail design is usually not available at this stage of a project development, estimations on a project's design criteria must be made as a basis to weigh the project's potential impacts to the environment. Careful consideration to design year average daily traffic (ADT) should be made. Attach additional sheets as necessary to discuss how traffic projections were made and what assumptions have been made.

Roadway Character

In the "proposed" column, list what criteria are expected to be implemented if the design is still uncertain. If more than one roadway is impacted, attach additional sheets as necessary. The following is what level of detail is expected to be listed:

Number of lanes: Enter the number of lanes including turning, climbing and thru lanes.

Type of lanes: Enter the type of lanes planned (i.e., turning, climbing, passing, thru lanes.

Pavement, shoulder, median and sidewalk width: Enter the estimated width of each.

Be sure to include any changes between existing and proposed and make sure that this section is consistent with the project's purpose and need as stated earlier.

Design Criteria for Bridges



Enter the **structure file number (SFN)**, and its **ECOSYSTEM** **suf**
iciency rating.



In the “proposed” column, list what criteria are expected to be implemented if the design is still uncertain. If more than one bridge is impacted, attach additional sheets as necessary. The following is what level of detail is expected to be listed:

Enter the **structure type**: (existing and proposed) box culvert, single span prestressed box beam, etc.

Enter any **weight** and **height restrictions**.

Enter the **curb to curb** and **shoulder width**.

Maintenance of Traffic During Construction

Discuss whether the project will utilize a temporary road, detour or closure during the construction. If so, discuss what impacts are associated with the temporary road, detour or closure and assure that provisions have been made to address any local concerns. When a project requires a detour, include a description and mapping of the detour route. Briefly describe the steps that will be taken to make the public aware of the closing and detour. Examples might be radio and/or newspaper announcements or public meetings.

CE FORM - PART II

Involvement and Required Analyses of Resources Anticipated to be Impacted by the Project

For projects involving relocations, wetlands, substantial flood plain encroachments, historic sites, archaeological sites, public recreation areas or public wildlife refuges, attach additional information in the form of approval letters, Section 4(f) evaluations or concurrence letters from FHWA, supplemental graphics or evidence of coordination. **The use of color graphics is strongly encouraged.**

Any additional pages that need to be added should be placed directly behind the section being expanded. (example, if the *remarks* part of the wetlands section on the CE form, page 5 is in need of more space, then the additional page should be 5a, etc.).

Section A - Ecological Resources



Streams, Rivers and Watercourses

Identify if any streams are present and whether they will be impacted (i.e., work will occur below ordinary high water level). Also, indicate whether the stream is a national scenic river or a state wild, scenic or recreational river, and if so, whether it will be impacted (i.e. work will occur within 1,000 feet of the stream). Identify the presence of and whether there will be impacts on any navigable waterways (note whether commercial or noncommercial). Indicate the OEPA stream quality designation, if available, (i.e. WWH [warm water habitat], EWH [exceptional warm water habitat] or CWH [cold water habitat]). Finally, state the type and nature of impact and give the name of the impacted stream. Discuss what coordination has occurred and any design issues that are required.

If a stream is present but no impacts are expected, state why there will be no impacts. If needed, reference and attach additional sheets for discussion when stream work is more extensive, and include mapping and/or site plans, if available, to aid in interpretation.

Other Surface Waters

If other surface waters are present, indicate the type of water body and whether impacts will occur. In the *remarks* section, name the water body if it has a name and indicate the type and area of impact. Discuss the nature of the project's impact and any issues relevant. If a water body is present in the project area but no impacts are expected, state why there will be no impacts.

Wetlands

Indicate whether wetlands are present in the project area and whether impacts are expected. Note the OEPA water quality designation of the wetlands if available. Mark the level of wetland documentation available and note the area of wetland impact.

In the *remarks* section, discuss the functions and values of any wetland impacted and measures investigated or proposed to avoid, minimize and mitigate the impact. If wetlands are present, indicate in the *remarks* section how the information was ascertained and by whom. Also discuss impacts to any remaining wetlands from drainage or other highway related features. If wetlands are present in the project area but no impacts are expected, state how such impacts are being avoided. Reference and attach maps to show the wetlands and their relationship to the project. Discuss any sites that are in close proximity to the project. If no wetlands are present, state how that determination was made (i.e. mapping, field review, etc.), and state who (e.g. ODOT personnel, consultant or other agency personnel) conducted the field review and when.

If wetlands will be impacted but no individual wetland finding will be prepared by FHWA, the remarks



section should state that the project is in compliance with the *Wetland Finding for Federal Aid Projects Covered under the Programmatic Categorical Exclusion Agreement* signed by FHWA on May 1, 2000. To demonstrate that the project is in compliance with the programmatic wetland finding, the remarks sections must discuss the following points outlined in the programmatic wetland finding:

- 1) The do nothing alternative is not practicable because: (a) it would not correct existing or projected capacity deficiencies; (b) it would not correct existing safety hazards; (c) it would not correct existing deteriorated conditions and maintenance problems; or (d) it would result in serious impacts to the motoring public and the general welfare of the economy in the area.
- 2) Improvements that will not result in any wetland impacts are not practicable because such avoidance would result in (a) substantial adverse community impacts to adjacent homes, businesses or other improved properties; (b) substantially increased project cost; (c) unique engineering, traffic, maintenance or safety problems; (d) substantial adverse social, economic or environmental impacts; or (e) the project not meeting identified needs. Within this discussion alternatives that would result in minor alignment shifts, use of minimum design requirements, use of retaining walls and/or other structures or alternative designs shall be assessed.

In addition, it must be documented that all practicable measures to minimize the wetland impact(s), both within and outside of the highway right of way, have been fully considered and incorporated into the project's design. Minimization measures that are incorporated into the design shall be listed as environmental commitments in the document. The use of appropriate erosion and sedimentation control and other measures required by the current ODOT standard specifications and special provisions shall be a standing ODOT commitment.

ODOT shall consider the mitigation of all wetland impacts and shall consider enhancement opportunities when they exist. Project mitigation measures shall be listed as environmental commitments in the document.

Terrestrial Habitat

If habitat is present (i.e., the area is not totally paved or otherwise cleared of all vegetation), indicate the type of vegetation present (e.g., mature forest, young forest, scrub shrub, old field, lawn, scattered lawn trees, fence rows along cropland), whether it will be impacted and whether the habitat is unique or of high quality. If more specific information is needed to describe the habitat and discuss the impacts, it should be provided in the *remarks* section.

Threatened and Endangered Species



Indicate whether the project is within the known range of any federally-listed threatened or endangered species and indicate which species in the *remarks* section. Also indicate whether any federal or state-listed threatened or endangered species were found in the project area and whether they are expected to be impacted. Identify these species in the *remarks* section. If such species were found but no impacts are expected, state why no impacts are expected. Also in the *remarks* section, refer to any coordination with the U.S. Fish and Wildlife Service which documents their review of the project with respect to impacts on any federally-listed species which are present or could potentially be present in the project area, based on known range. Attach coordination documentation. Discuss any avoidance or minimization options that were looked at or still being considered.

Section B - Other Resources

Drinking Water Resources

Note the presence of public or private water supply wells within the construction impact area or in close proximity to the project. Indicate the potential for impacts based on the type of work proposed and the location of the wells. Note residential wells only if wells will be directly impacted by proposed construction or within close proximity. Maps depicting private supply wells may be obtained from the districts.

For public water supply wells, note if a wellhead protection plan has been developed and note if the project is within an established protection zone (usually based on 1 year or 5 year time of travel zone for groundwater). This may require coordination with the local operator/owner per instructions in OES's March 8, 1996 IOC on wellhead protection. Any impacts or required measures to protect the well(s) should be discussed in the *remarks* section or on an attached sheet.

For sole source aquifers, note if the project occurs over a class 1 or class 2 portion of the aquifer. Be aware that for projects qualifying as a categorical exclusion, no coordination or special analysis is normally required for sole source aquifer issues. However, if the project involves activities which could impact the aquifer a discussion should be provided. For example, involvement with a contaminated site over a portion of a sole source aquifer should be noted and may require special coordination with USEPA. Sole source aquifers are located in Districts 1, 2, 5, 7 and 8. Mapping showing the aquifer locations are available from these districts.

Flood Plains



First, note if the project is located in a Federal Emergency Management Act (FEMA) designated flood plain. If a longitudinal encroachment is involved, it is mandatory that a discussion of the encroachment justifying the need for the encroachment and discussing impacts to the beneficial and natural values of the flood plain be attached. It is not expected that projects involving new, substantial longitudinal encroachments on FEMA designated flood plains would normally qualify as a CE. Transverse encroachments are expected for bridge projects over streams. If a transverse encroachment is located in a FEMA designated flood plain (see flood insurance maps), coordination with the local flood plain coordinator will be required during design phase to insure consistency with local flood plain planning. Substantial impacts meaning projects that could alter FEMA mapping or have unresolved coordination with agencies having jurisdiction cannot be processed as CEs.

Farmland

Active Agriculture Land-Agricultural District

Is the land to be impacted by the project actively farmed and/or in pasture? Is an agricultural district as defined in ORC 929.05 (Ohio's Farmland Preservation Act) present in the project area and will the project use land enrolled in an agricultural district? ROW within limits in ORC 929.05 (A) -- Will the project take 10 percent (%) or 10 acres (whichever is greater) from any individual property within an agricultural district?

Documentation

If any new ROW is required, one of two types of documentation is required to satisfy the requirements of the Federal Farmland Protection Policy Act (FPPA) of 1981 and ODOT's memorandum of understanding with FHWA and the Natural Resources Conservation Service (NRCS). Indicate whether either the FPPA project screening sheet or the farmland conversion impact rating (AD-1006) form is attached. If the site within the ORC is applicable, then discuss in the remarks and attach coordination from the Ohio Department of Agriculture.

Include the area of land from each property enrolled in an agricultural district and the total size of the property and discuss the project's impacts to the farming operations in the *remarks* section. Discuss any options that were explored to reduce the impact to farmland or farming operations.

Section C - Section 4(f) Resources (See also Section D, Cultural Res.)

(re: 49 USC, Section 1653(f))



A level 2 CE project may require a determination of applicability of Section 4(f) for temporary occupancy of small amounts of a Section 4(f) resource. Obtaining this determination requires OES coordination with FHWA to get their concurrence that Section 4(f) is not applicable. When this coordination is completed, the date of FHWA's concurrence must be included in the *remarks* section and FHWA's concurrence letter attached to the document.

A level 3 CE project may include impacts or use that fall within the bounds of a programmatic Section 4(f) agreement. For this level project, the DEC should submit a separate determination of applicability of programmatic Section 4(f) to the appropriate section of OES for FHWA coordination and concurrence before the CE is submitted. FHWA has a 30-day turnaround. The CE cannot be approved until OES receives FHWA's concurrence. After FHWA has concurred, the date of concurrence must be noted in the *remarks* section and the concurrence letter attached to the CE form.

A level 4 CE project may include areas of effect that require a determination of applicability of Section 4(f), a determination of applicability of programmatic Section 4(f) and/or a full Section 4(f) Evaluation. For this level project, the Section 4(f) documentation should be attached to the CE document and sent to FHWA for concurrence.

Parks and Other Recreational Land

Discuss whether publicly-owned parks or other recreational land, including public school playgrounds, athletic fields or bikeways are present within the project study area. Indicate how this information was obtained, when and by whom. For example: "Did the District environmental staff do a literature search?" "A site visit?" "Did the consultant do a literature search?" "When was the literature search done?" Indicate whether the recreational facility is national, state or local, whether it will be impacted (i.e., permanent or temporary ROW will be required) and whether or not Section 4(f) applies. If Section 4(f) does not apply, explain why not or reference FHWA's determination of applicability concurrence. If Section 4(f) applies, discuss whether the necessary documentation is a full Section 4(f) evaluation or a programmatic 4(f). Also discuss and attach the appropriate coordination correspondence from the agency having jurisdiction over the park or recreational land. Discuss the resource importance to the coordination and how the impact may be mitigated.

■

Indicate whether the project will entail a Section 6(f) involvement. For projects using land from a site purchased or improved with funds under the Land and Water Conservation Fund Act, the Federal Aid



in Fish Restoration Act, the Federal Aid and Wildlife Act, or similar laws. Coordination with the appropriate federal agency is required to ascertain the agency's position on the land conversion or transfer. Finally, indicate the type of recreational facility (if other than a park), and in the *remarks* section, give the name of the park or recreational facility affected. If such a facility is present but no impacts are expected, state why there will be no impacts. Reference and attach any mapping and/or plan sheets necessary to show the location of any of the above areas relative to the project. If there are no Section 4(f) issues within the study area, discuss how this was verified (i.e. field review, reviewed local mapping, etc.). State who (e.g. ODOT personnel, consultant or other agency personnel) conducted the field review and when.

Natural and Wildlife Areas

Discuss any publicly-owned natural areas or wildlife areas present in the project area. If present, indicate the type of area, whether it will be impacted (i.e., permanent or temporary ROW will be required), the type of 4(f) involvement, and whether a 6(f) involvement is present (see Parks & Recreation instructions). In the *remarks* section, give the name of any natural or wildlife areas and discuss the area's importance to the public, its resource, and how the project will/will not jeopardize its continued use. Reference and attach any mapping and/or plan sheets necessary to show the location of any of the above areas relative to the project. If there are no Section 4(f) issues within the study area, discuss how this was verified (i.e. field review, reviewed local mapping, etc.). State who (e.g. ODOT personnel, consultant or other agency personnel) conducted the field review and when.

Section D - Cultural Resources

Date of Literature Review



Contact OES for the date that the literature reviews was conducted. If a literature search is not required, the line should be marked N/A.

Cultural Resources

Based on information provided in the literature review or the appropriate cultural resources report, if no cultural resources are identified, check "not present" as appropriate. If "not present" is checked, discuss how this conclusion was made in the *remarks* section.

Based on the signed coordination letter(s) with the State Historic Preservation Office (SHPO), which will be attached to this document, and if cultural resources have been identified as present, check the



appropriate resource area. If an “eligible resource and/or listed resource present” has been identified as present, check the appropriate box in that column. **Note:** The literature review and the phase I cultural resources report will also identify any known listed resource. (“listed” means the resource is listed in the National Register of Historic Places (NRHP). “eligible” means the resource has been determined to be eligible for listing in the NRHP).

Cultural resource evaluations made by OES under any cultural resource programmatic agreements do not require SHPO coordination. As such, the date of the IOC from OES to the district should be listed as the date of cultural resources clearance. The IOC should be attached and applicability of the programmatic agreement discussed under the *remarks* section as the basis for clearance.

Level of Effects

The signed coordination letter(s) with the SHPO will indicate the level of effects. Check the appropriate box for each resource identified.

For bridges listed on the National Register of Historic Places (NRHP), any bridge listed in or eligible for the NRHP will be discussed in the project coordination letters with SHPO. In addition, contact OES - historic bridge coordinator for the most current listing of historic or potentially historic bridges. A “reserve pool” bridge is a structure that is potentially eligible for listing in the NRHP. A determination of eligibility is required prior to any removal of a “reserve pool” bridge.

Section 4(f) Evaluation (re: 49 USC, Section 1653(f))

(Please refer to introduction to Section C - 4(f) resources, page 34)

Discuss whether there is a use (through fee simple acquisition, permanent easement, temporary easement, work agreement, or constructive use) of land of a historic site of national, state or local significance as determined by the federal, state, or local officials having jurisdiction. Discuss if there is no prudent or feasible alternative to using that land and if the project includes all possible planning to minimize harm to the historic site resulting from the use. Unlike parks, recreation areas, etc., public ownership of the historic site is not required. The rule on whether Section 4(f) applies to a historic site is that the site must be on or eligible for listing in the National Register of Historic places. Regardless of whether the Section 106 coordination results in a determination of “Historic properties affected,” no adverse effect, or “adverse effect” on the eligible or listed NRHP historic site, Section 4(f) documentation must be prepared. This will be a full Section 4(f) documentation, one of the nationwide programmatic Section 4(f) documents, or a determination of applicability of Section 4(f). Completion of Section 106 requirements does not complete Section 4(f). Section 106 must come to closure first so that the determination can be made regarding use under Section 4(f).

Cultural Resource Documents



Check all appropriate boxes to show which documents were produced for a project. If there is documentation for consultation/MOA, check if it is for an “adverse effect” determination or a “no adverse effect” determination. (Note: a no adverse effect determination will require documentation for consultation but not an MOA.) The signed project coordination with the SHPO will contain this information. (Note: The ODOT cultural resources reporting requirements and the OHPO Archaeology Guidelines (1994) explain what is expected to be included in the various levels of cultural resource survey reports.)

Remarks

Discuss any sites within the study area and the project’s impacts to them. Discuss options considered to minimize harm and potential mitigation or enhancement options. Discuss what coordination occurred and what were the results of any cultural resource studies or why none were required. Read the SHPO coordination letters and OES coordination IOC’s carefully to be certain you understand what has been cleared. Sometimes there are multiple clearance letters for a single project. For example, there could be a letter from SHPO clearing history/architecture only and another letter clearing only archaeology. All SHPO clearance letters and OES clearance IOC’s must be attached and the dates noted on the appropriate lines. Reference any attached letters/IOC’s of coordination.

Section E - Air Quality & Noise



Conformity

Conformity is a way to ensure that federal funding and approval are given to those transportation activities that are consistent with air quality goals. It ensures that these transportation activities do not worsen air quality or interfere with the ‘purpose’ of the SIP, which is to meet the NAAQS (National Ambient Air Quality Standards).



The responsibility of conformity falls upon the area metropolitan planning organization (MPO) and the U.S. DOT. These agencies must ensure that the transportation plan and program within the metropolitan planning boundaries conform to the state implementation plan (SIP). In metropolitan areas, the policy board of each MPO must formally make a conformity determination on its transportation plan and transportation improvement plan (TIP) prior to submitting them to the U.S. DOT for review and approval. Conformity determinations for projects outside of these boundaries are the responsibility of the U.S. DOT and the project sponsor, usually the state DOT. Verification of project conformity for the approved TIP for both MPO and non-MPO projects is published and lists of qualifying projects in each Ohio MPO area are on file in the office of planning, OES and the local MPO office. Project status is addressed in each MPO approved TIP as “exempt” or “analyzed”, meaning that the project was included in the conformity analysis for the current year.



A project that does not meet the conformity requirements cannot be funded by FHWA or ODOT. The following is a list of projects that are typically exempt from conformity analysis:

Safety

<ul style="list-style-type: none"> • Railroad/Highway Crossing Hazardous Elimination Program • Safer Non-Federal-Aid System roads • Shoulder improvements • Increasing sight distance Safety Improvement Program • Traffic control devices and operating assistance warning devices other than signalization projects • Guardrail, median barriers, crash cushions • Railroad/Highway Crossing warning devices • Pavement resurfacing and/or rehab • Pavement marking demo's • Emergency relief (23 USC 125) • Fencing 	<ul style="list-style-type: none"> • Skid treatments • Safety roadside rest areas • Adding medians • Truck climbing lanes outside the urbanized area • Lighting improvements • Widening narrow pavements or reconstructing roadways • Emergency truck pullovers • Bridges (no additional traffic lanes)
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Other

<ul style="list-style-type: none"> • Specific activities which do not involve or lead directly to construction such as: <ul style="list-style-type: none"> - Planning and technical studies, - Grants for training and research programs - Planning activities conducted pursuant to Titles 23 and 49 USC, - Federal-aid systems revisions • Engineering to assess social, economic, and environmental affects of the proposed action or alternatives to that action • Noise attenuation • Advance land acquisitions (23 CFR Part 712 or 23 CFR Part 771) • Plantings, landscaping, etc. • Sign removal • Directional and informational signs 	<ul style="list-style-type: none"> • Transportation enhancement activities (except rehabilitation and operation of historic transportation buildings, structures and facilities) • Repair of damage from natural disaster, civil unrest, or terrorist acts, except projects involving substantial functional, locational or capacity changes <p style="text-align: center;"><u>Air Quality</u></p> <ul style="list-style-type: none"> • Continuation of ride-sharing and van-pooling promotion activities at current levels • Bicycle and pedestrian facilities
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Project Level Impacts

A quantitative carbon monoxide (CO) analysis is required for those projects that exceed ODOT/OEPA agreement criteria. CAL3QHC is the current Air Quality Computer Program approved by OEPA for quantitative carbon monoxide analysis.

National Air Quality Standards are as follows:

CO (Carbon Monoxide):

- 9 parts per million (ppm) average over an 8-hour period
- 35 ppm average over a 1-hour period

Ozone:

- 0.12 ppm 1-hour annual average

SOV Capacity Adding Projects in Non-attainment TMAs

A transportation management area (TMA) is a metropolitan planning area with a population of 200,000 or greater.

In accordance with 23 U.S.C. 134, the planning processes in all TMAs must establish and maintain a congestion management system (CMS). In non-attainment TMAs (for carbon monoxide and/or ozone), federal funds may not be programmed for any highway project that will result in a significant increase in single-occupant-vehicle (SOV) capacity unless the project is drawn from the approved congestion management system maintained by the MPO.

CMS or traffic congestion management system (TCMS) is a systematic process to provide information on transportation system performance and alternative strategies to alleviate congestion and enhance the mobility of persons and goods. A CMS includes methods to monitor and evaluate performance, identify alternative actions, assess and implement cost-effective actions and evaluate the effectiveness of implemented actions. Consideration must be given to strategies that reduce SOV travel and improve existing transportation system efficiency.

For a SOV capacity adding project, quantitative confirmation must be obtained from the MPO through their CMS that travel demand reduction strategies such as car pooling, van pooling and parking management; and operational management strategies such as intersection and roadway widening, HOV lanes, and intelligent vehicle-highway system techniques, cannot fully satisfy the need for additional capacity in the corridor and additional SOV capacity is the only viable strategy to mitigate congestion. In this case, the CMS should identify all reasonable strategies to manage the SOV facility in the future.



Noise

If the project involves the addition of one or more through lanes, a significant change in vehicle mix or speed, a significant change in vertical or horizontal alignment, involves new roadways or substantially changes the shielding effect of existing roadways, then a noise analysis is warranted, provided there are noise sensitive land uses in the project area (see table 5, activity category B, page 8 of 23 CFR 772). Procedures for a noise analysis should follow the FHWA guidance issued June 1995 and the ODOT Traffic Noise Policy, dated July 1997. Alternative abatement measures as listed in 23 CFR 772 should be addressed in every analysis that discusses noise abatement. The terms reasonable and feasible (with respect to noise abatement) are discussed in the FHWA guidance, pages 50-55. Reasonableness for Ohio is defined in the ODOT Traffic Noise Policy, page 6 of 11.

Section F - Community Impacts

These impacts show effects of transportation actions on a community and its quality of life. The information gained from assessing community impacts is used continuously to provide documentation of current and anticipated social impacts in a geographic area with and without the action. Assessment of community impacts identifies effects to people, mobility, safety, employment, relocation, isolation and other possible community issues. Community impacts should be identified as soon as the project area is defined.

When community impacts are identified, they must be analyzed to determine consequences of the transportation action, then estimate the impacts. Identify solutions to address adverse impacts. Techniques include avoidance, minimization, mitigation, and enhancement.

Develop a good public involvement program to help develop project alternatives. Public involvement is an integral element in addressing all community impacts. All community impacts must be addressed in the environmental document.

Regional and Community Growth

Identify if the project area is included in any comprehensive plans. If so, discuss the existing land use and how/if the proposed project will affect the expected use. Address any impacts, whether positive or negative, that will affect growth of the area's residential or commercial base. Consider any patterns of development and time frame for the development. Indicate what the impacts might be. Look at the social history and how the project will affect future impacts, quality of life, isolation issues and any overall changes in the community.



With the information generated from the above discussion, the next item of concern is addressing secondary or cumulative impacts. Research the study area to determine whether or not there are areas where secondary impacts could occur. Environmental resources located within these areas should be documented and discussed as to their impact or potential future impact. Overall cumulative impacts should also be addressed in this section.

Public Facilities and Services

Identify any impacts to health, educational or public service facilities. Determine what effect the project could have on public utilities, fire, police, emergency services, religious institutions, pedestrian and bicycle facilities. Emergency service providers should be contacted for emergency routes and travel times or possible response delays. Public transit impacts and school bus routes (including pick-up points) should be disclosed in the document and coordinated with the proper authorities. All documentation should be summarized and included in the environmental document.

Community and Neighborhood Impacts

Discuss the project scope and how it could affect community or neighborhoods within the study area. Identify any possible right-of-way takes, relocations and displacement of public facilities/ community centers that could affect the overall community within the study area. Address whether or not the project would affect neighborhood cohesion. Include ways to minimize harm, and any enhancement or mitigation options.

- Avoidance - Change an alignment so that there are no displacements. Redesign a road segment as an underpass to avoid cutting off access to a community facility.
- Minimization - Reroute or shift a highway segment to reduce displacements. Phase the project to minimize impedance to business access during peak shopping periods. Alter an alignment to increase the distance between the facility and residences to minimize noise impacts. Limit interchanges to minimize incompatible land-use development.
- Mitigation - Set aside land for a park or add to public recreation areas to replace lost facilities. Provide a bicycle/pedestrian overpass or underpass to provide access to public facilities. Erect sound barriers to mitigate noise to surrounding communities.
- Enhancement - Provide a proper marker to recognize specific cultural or historical resources. Develop bicycle trails or parks adjacent to roadways, or plant trees, or install benches. Add public artwork or facade to a transportation facility to match the aesthetic design goals of a community. There are many options for enhancement elements, and it should be consistent with local planning.

Environmental Justice



Definitions

Executive Order 12898, *Federal Actions to Address Environmental Justice in Minority and Low-Income Populations*, was signed by President Clinton on February 11, 1994 and published in the February 16, 1994 Federal Register, Vol. 59, No. 32. This order focuses federal attention on the environmental and human health condition in minority and low-income communities. It promotes nondiscrimination in federal programs affecting human health and the environment, and provides minority and low-income communities' access to public information and an opportunity to participate in matters relating to the environment.

1. **Minority** as defined in Title VI of the Civil Rights Act of 1964, includes the four (4) minority groups as African-American, Hispanic, Asian-American, and Native-American. Also, under Title VI, the law is required to ensure that no person on the ground of race, color or national origin is subjected to discrimination under any program or activity receiving federal financial assistance.
2. **Disproportionately high and adverse effect** is defined as a high and adverse effect that (1) is predominately borne by a minority population and/or a low-income population, or (2) is appreciably more severe or greater in magnitude than the adverse effect that will be suffered by the non-minority and/or non-low income population.
3. **Low income** is defined by the U.S. Department of Health and Human Services Poverty Guidelines. The guidelines change every year.

Purpose of Environmental Justice:

The purpose of environmental justice is to identify and address, as appropriate, disproportionately high and adverse human health or environmental effects on minority and low-income populations. Environmental justice is a deliberate disclosure of impacts. Meaningful public involvement and access to public information throughout the transportation decision-making are important in determining and addressing environmental justice issues. Environmental justice is to be reported in all environmental documents.

The concept of environmental justice has evolved out of the below listed federal laws and was formalized under the Presidential Executive Order No. 12898.

- National Environmental Policy Act (NEPA)
- Title VI of the Civil Rights Act of 1964 (Title VI)
- Uniform Relocation Assistance & Real Property Policies Act of 1970(URA)
- Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA)

Addressing Environmental Justice



Environmental justice is to be addressed in the environmental document, research of the project area for any minority or low-income communities must be conducted. When preparing a categorical exclusion, environmental justice issues can often be determined by consulting the stakeholders in the community the project is located. County human services, the Ohio Data Users Center, Ohio Department of Development, regional planning organizations and libraries have local census information to aid in identifying minority or low-income populations. Coordinate information gathering with local officials.

If minority or low-income populations are within the study area and an impact occurs, the environmental documentation needs to demonstrate there are no disproportionately high adverse human health or environmental effects on these populations. If a potentially adverse impact occurs to these populations, the documentation has to demonstrate a substantial need for the project, based on overall public interest (this would be addressed in the purpose and need statement and in the environmental justice portion for the given document). The documentation and the overall process must be coordinated with the public.

Disclose possible mitigation, avoidance or minimization options to reduce the overall impacts and include these populations in the development process. Address all comments to the fullest extent possible in the documentation. Use substantive comments from the public that could affect the conclusion reached in the environmental documentation.

If an impact occurs, it would need to be identified and addressed in the environmental justice section under community impacts in the environmental document. When a CE level 4 is indicated and there are more than eight (8) relocations, or more than 20 acres of ROW acquisitions, environmental justice impacts must be documented on the CE form.

For CE levels 1, 2 or three, the documentation can be properly addressed by marking the “no” box in this section. The criteria for CE levels 4 would require consideration of the aforementioned guidance. ODOT has consulted with FHWA to determine that the guidance for CE levels 1, 2 or three would not have significant impacts due to the level and would not indicate disproportionately high and adverse human health or environmental effects on minority and low-income populations. Environmental justice is to be considered in planning, programming and public involvement activities, and reported when impacts are significant. If any environmental justice issues would arise through any public involvement, those issues would need to be addressed properly in the document regardless of the level.

Displacement of People, Businesses or Farms

Discuss the number of residential, commercial, farms or institutions directly impacted. Address any alternatives that were considered to reduce the impacts to properties. Include any changes that would cause an increase or decrease of property values and/or the local tax base.

Discuss the content of the impact by disclosing how the displacement will impact the community as a whole. These types of impacts must be disclosed. Discuss ways used to avoid or reduce the impact



and ways to mitigate if impacts occur.

For example: One take out of 50 may not be a major issue. However, if that one take is the general store that serves the whole community, the context and intensity of the impact may require a higher level of review and approval.

Public Controversy on Environmental Grounds

Document any public controversy on environmental grounds. Document who is involved and, what the controversy was, how it was received and how it has been resolved or addressed. The project can proceed when all public controversy has been addressed and disclosed to the public and review agencies.

Section G - Public Involvement

Public involvement coordination is necessary for any projects. As early as possible during the processing of a CE project, the district should provide mapping that identify potential parcels that could be impacted by a specific project to the regional real estate office. The regional real estate office can assist by supplying the district with an accurate list of names and addresses of residents. A letter describing the project and potential impacts should be sent to residents impacted by a project.

Decision making must focus on the community of individuals, groups of persons and government agencies affected by, interested in or legally required to review planning and development of transportation facilities. Include in the document what public involvement activities occurred (if none, document why it was not necessary to be included).

With the approval of the process, public coordination will be required for any project that requires ROW acquisition. As early as possible during the processing of a CE document, the district should provide mapping that identifies potential parcels that could be impacted by a specific project to the regional real estate office. The regional real estate office will supply the district with an accurate list of names and addresses of property owners to be notified. This coordination could be as simple as a letter describing the project and potential impacts to the owner's parcel to a full public meeting.

The public is the community of all its citizens. The public may be involved with various levels of government. The public may also be leaders or participants in social enterprises, resident and non-resident property owners, resident renters, and part-time residents such as students and visitors. All have a stake in community life, particularly in protection of the cultural, natural and historical heritage and modern amenities including transportation facilities. It is extremely important that transportation agencies be aware of their relationships with the public.

Early in the process, public involvement might begin with news releases and newsletters, advising the public on transportation proposals. As transportation plans and projects are developed, the public should be informed of the progress and invited to comment. Public comments assist in identifying



and evaluating alternatives for mitigation of adverse impacts and shaping proposals to meet community needs.

Informality is emphasized in public involvement to encourage an exchange of information. Soliciting public involvement cultivates public trust and confidence in the transportation agency. It helps the public better understand project decision-making under constraints of law, funding and political policy.

A community consensus on transportation proposals is best ascertained by local government officials, MPOs and other planning agencies. These sources should, and generally must, be consulted as part of public involvement. ODOT and MPOs begin determining consensus in early phases of planning as well as in preliminary development of projects. Task forces and study teams consult with local governments, planning agencies and the public for guidance and development of transportation proposals. As new alternatives, and issues surface, the involvement process must be redesigned to be included.

Another form of public involvement is a public hearing which provides the formal record for public involvement when required by law. The hearing is a legal proceeding. Comments are welcomed from the public, government officials and agencies.

Documentation of the hearing is used in preparation of the final environmental document. In the case of a federal-aid project, hearing documentation and the environmental document are submitted for review and concurrence by FHWA.

Notices for public meetings, public hearings and availability of environmental documents, solicit for comments to assist in transportation decision-making.

Documentation of Public Involvement

Proper documentation is extremely important to project staff, government agencies and the public. Proper documentation provides a history, a record of actions taken, significant actions not taken and the rationale for each decision. With sufficient detail on evaluation and decisions, anyone should be able to reconstruct descriptions of transportation plans, projects, programs or activities. Such information describes innovative solutions, provides a basis for reconsidering challenged decisions, for making subsequent decisions and for updating new participants in the process. The record as well as the project should be a model for future reference.

All levels of government are affected by transportation decisions. Depending upon the scope and significance, plans or project proposals and transportation decisions require consideration by the appropriate local, regional, state and national interests.

Public Officials Meetings

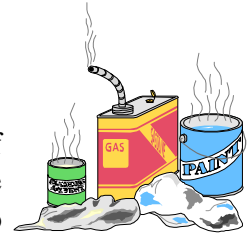
Document meetings with locals, agencies and other community contacts (i.e., news releases,



newsletters and meeting notes). Document who attended, who was invited, how comments are going to be addressed.

Public Meetings

Document any official public meeting, include sign-in sheet(s), a discussion of who attended, any handouts provided for the meeting, what issues were discussed or comments and how they were addressed. Public meetings can also include block meetings, street meetings or even going door-to-door to discuss the project. All coordination needs to be fully documented and summarized in the environmental document.



Public Hearing

Document whether there was a public hearing, date of hearing and date of public notice (advertisement), and a copy of the legal notice published. Discuss what information was distributed at the hearing, sign-in sheet(s), and summarize who was in attendance. The documentation must include a summary of the comments and how they were addressed.

Special Purpose Meetings

Special purpose meetings include meetings on specific subject areas (i.e., noise barriers, mitigation areas, etc.). Document these meetings to the same level as a public meeting. Document any local special community meetings that pertain to discussion regarding the project. These can include local government meetings where the project was a topic of discussion.

Other Information Dissemination Activities

Note any special publications developed for the project or notification by other media. Summarize or print for copy web page with project information accessible to the public. Add a copy of any flyer used through the process. Summarize in paragraph form any other type of public involvement activity used.

Section H - Hazardous Materials



Environmental studies known as *environmental site assessments (ESA)* are conducted to determine if the project will involve hazardous materials. ESAs must conform with ODOT's Environmental Assessment Guidelines issued September 1, 1999. The ESA process is a staged-study that determines if a property is contaminated with hazardous substances and/or petroleum products. If a contaminated property is identified then avoidance, minimization or mitigation must be considered.

To complete the CE form, check the box(s) (screening, phase I ESA, phase II ESA, remedial design) of the studies which have been completed and accepted by OES. Check the appropriate box under impacts. If hazardous materials are not present in the project area, check the "N" box (no). If, hazardous materials are present and being impacted, check the "Y" box (yes).

Explain in the *remarks* section what hazardous materials were found within the study area and any impacts the hazardous materials will have on the project. A discussion of what environmental commitments are necessary (construction plan note) should also be in the remarks. If complicated hazardous material issues exist (such as an OEPA voluntary action program (VAP) or remedial investigation (RI) /feasibility study (FS) situation), then remedial design will be necessary to manage or remediate the contaminated zone. Attach additional pages as necessary.

Section I - Permits Checklist

If a project includes work within a water of the United States, a U.S. Corps of Engineers permit is required. In most cases work accomplished by ODOT can be authorized under a nationwide permit. A preconstruction notification to the Corps may be required for projects authorized under nationwide permits.

Projects which include more extensive work within the waters of the United States that cannot be authorized by a nationwide permit will require an Individual 404 permit from the U.S. Corps of Engineers and a Section 401 Water Quality Certification from the Ohio Environmental Protection Agency.

When project work is authorized under a 404 Permit and/or a 401 Water Quality Certification, the permit and/or certification will be made part of the contract plans as special provisions.

Certain projects that disturb large areas require an National Pollutant Discharge Elimination System (NPDES) Permit. This permit is handled during design in accordance with procedures developed by ODOT's office of structural engineering.

A Coast Guard section 9 permit is required for bridges or other projects affecting commercially navigable waters of the United States.

Wetland or stream mitigation may be required for projects impacting those resources. Frequently these requirements are conditions of the 404 permit and/or the 401 water quality certification. Post construction monitoring and annual reporting may be a part of the requirements for stream or wetland mitigation.



ODNR scenic river approval is the final sign-off on the plans by ODNR which is the “director’s approval” required by the state scenic river statute. This only applies in unincorporated areas.

If a project impacts waters of the U.S. within the lake Erie costal management area, a project consistency letter may be required from ODNR. (The consistency letter cannot be coordinated w/ODNR until all necessary permits are obtained.)

When filling out the CE form, if a permit determination has been made by OES, add the type of permit and the date of the determination to the “other permit box” (remarks section) and include the permit determination as an attachment .

Section J - Environmental Commitments and Resources To Be Avoided

Environmental commitments are promises that are made to an agency in return for the agency’s approval of the project.

Prior to committing to any mitigation efforts, the DEC should coordinate with district production and construction personnel to assure constructibility. Failure to follow through with these commitments could result in the revocation of the NEPA document approval by FHWA, federal funding and/or revocation of the permit by the Army Corps of Engineers.

The environmental commitments section of the categorical exclusion form must include any commitments to avoid, protect or mitigate impacts. Summarize commitments made in agreements such as memorandums of agreement (MOA), permits, etc. Include descriptions of any creative methods for mitigation of impact. These might include, but not limited to, fencing of wildflower areas or identified archaeological sites. Include any agency correspondence requesting special consideration of impacts or protection of sensitive areas during construction.

The DEC should summarize the commitments outlined in the CE and provide a copy to district production personnel and to appropriate district construction personnel at or before a project’s pre-construction meeting. The DEC also is responsible for coordinating and tracking these commitments through design, construction and maintenance.

Section K - Concurrence

On the CE form, fill in what level the CE is (level 2, 3 or 4) and the item no. (listed in table 2). Concurrence and approval for CE submission are as follows:



CE level 1: Central office or FHWA involvement is not required for CE level 1. This level of CE should be signed by the preparer and approved by the DEC. Please refer to attachment 1 for the 2-page form (supplemental project information form) used for CE level 1 documents. The CE and project files will be held by the district office.

CE level 2: CE level 2 will not require involvement from central office or FHWA. This level of CE should be signed by the preparer and approved by the District Environmental Coordinator and the Planning and Program Administrator. The CE and project files will be held by the district office.

CE level 3: CE level 3 projects can be approved by the administrator or one of the assistant administrators of the Office of Environmental Services. They will not usually require involvement from FHWA. This level of CE should be signed by the preparer, the District Environmental Coordinator and the Planning and Program Administrator. If a hard copy of the CE is being prepared, send the district four (4) copies of the CE form with the same number of attachments (documents). If the CE form is being sent electronically, send the documents through the mail to OES with an IOC describing the documents. When possible, scan attachments and send electronically.

CE level 4: Projects with level 4 impacts will require coordination with OES and approval by FHWA. Before being forwarded to FHWA for approval, this level of CE should be signed by the preparer, the District Environmental Coordinator, the Planning & Program Administrator and the Office of Environmental Services. If a hard copy of the CE is prepared, send the district six (6) copies of the CE form with the same number of attachments (documents). If the CE form is being sent electronically, send the documents through the mail to OES with an IOC describing the documents. When possible, scan attachments and send electronically.

**CE Level 1 Form
Supplemental Project Information
Attachment 1**

1.1

SUPPLEMENTAL PROJECT INFORMATION CE LEVEL 1				Date	
County, Route, Section				PID#	
Funding		Project Length		Estimated Cost	

Termini									
Type Improvement									
Est. Traffic Data		Year		ADT		% Trucks		Operating Speed	
Present Day									
Design Year (Build)									
Exist. Facility: Pav't Width				No. Lanes				R/W Width	
Prop. Facility: Pav't Width				No. Lanes				R/W Width	
Traffic Maint.(Detour, etc)				Part Width				Runaround	
				No	Possible	Comments			
Facility on New Location									
Facility on Modified Alignment									
Added Thru Traffic Lanes									
Revised or Modified Access									
Work Extends Beyond Existing R/W Limits									
Major R/W Take Required									
Major Adverse Impact on Adjacent Properties									
Substantial Disruption in Local Traffic Pattern									
Stream Involvement:									
Wetland Involvement									
Flood Plain Involvement									
Cultural Resource Involvement (Archeological/Hist.)									
Recreational Facility Involvement (4(f)/6(f))									
Existing Bridge Involvement:		Yes		No		(If Yes, fill in below)			
Bridge Category			Code		Work Category		Structure File Number		

Traffic/ Construction Noise Analysis Recommendations

	Additional Noise Analysis required.
	The proposal is determined to be unrelated to increased traffic/construction noise and no further documentation is required to comply with any Federal Requirements.

1.2

Coordination or Studies	Yes	No	Comments
Ecological Studies			
Wetland Studies			

Fish & Wildlife Coordination			
Flood Hazard Evaluation			
Social/Economic Studies			
Historic/Prehistoric Coordination			
Section 4 (f) Involvement			
Public Involvement			
Hazardous Waste Studies			
Farmland Coordination			
Other (Sole Source Aquifer, etc.)			

CE Type Recommendations	
	CE 1 - No further environmental documentation required. It is hereby determined that the subject project meets the criteria for CE Level 1 in accordance with the May 1, 2000 Programmatic CE Agreement. This actions does not: induce significant impacts to planned growth or land use for the area; require the relocation of significant numbers of people; have a significant impact on any natural, cultural, recreational, historic, or other resource; involve significant air, noise, or water quality impacts; have significant impacts on travel patterns; or otherwise, either individually or cumulatively, have any significant environmental impacts and do not require the preparation of an Environmental Assessment or an Environmental Impact Statement.
	CE 2 - Categorical Exclusion Form required.
	CE 3 - Categorical Exclusion Form required.
	CE 4 -Categorical Exclusion Form required.
	EA- Environmental Assessment.
	EIS- Environmental Impact Statement.

Prepared By:

(Name)

Date

**Programming of
Project:**

District Environmental Coordinator

Date

**CE Level 1
Approval:**

District Environmental Coordinator

Date

Rev. 6/23/00

**CE Levels 2, 3 & 4 Form
Attachment 2**

County _____ Route _____ Section _____ PID _____ SJN _____

CATEGORICAL EXCLUSION DOCUMENT
or
SCOPING FORM for EA/EIS PROJECTS

Part I - General Project Identification, Description, and Design Information

Sponsor of the Project: _____

Local Name of the Facility: _____

ODOT District: _____

Program: _____ Funding Source(s): ☐ federal ☐ state ☐ local ☐ private

Project Description: _____

County and Township: _____

Municipality: _____

Limits of Proposed Work:

Start _____ / _____ End: _____ / _____

Total Work Length: _____ km (_____ mi.)

As completed, this page is part of: _____ Date: _____

County _____ Route _____ Section _____ PID _____ SJN _____

Purpose and Need for the Project:

Alternatives:

As completed, this page is part of: _____ Date: _____

Ohio Department of Transportation

County _____ Route _____ Section _____ PID _____ SJN _____

Design Criteria for the Project:

Functional Classification: _____ ☐ Urban ☐ Rural
Current ADT: _____ vpd (19/20 ____) Design Year ADT: _____ vpd (20 ____)
DHV: _____ Trucks, _____ %
Designed Speed: _____ km/h (_____ mph) Posted Speed: _____ km/h (_____ mph)
Pavement Width: _____ m (_____ ft.) Shoulder Width: _____ m (_____ ft.)
Median Width: _____ m (_____ ft.)
Setting: ☐ Urban ☐ Suburban ☐ Rural
Topography: ☐ Level ☐ Rolling ☐ Mountainous

Roadway Character:

	Existing	Proposed
Number of Lanes:	_____	_____
Type of Lanes:	_____	_____
Pavement Width:	_____ m (_____ ft)	_____ m (_____ ft)
Shoulder Width:	_____ m (_____ ft)	_____ m (_____ ft)
Median Width:	_____ m (_____ ft)	_____ m (_____ ft)
Sidewalk Width:	_____ m (_____ ft)	_____ m (_____ ft)

Design Criteria for Bridges:

Structure File Number(s): _____ Sufficiency Rating: _____

	Existing	Proposed
Bridge Type:	_____	_____
Number of Spans:	_____	_____
Weight Restrictions:	_____ kg (_____ ton)	_____ kg (_____ ton)
Height Restrictions:	_____ m (_____ ft)	_____ m (_____ ft)
Curb to Curb Width:	_____ m (_____ ft)	_____ m (_____ ft)
Shoulder Width:	_____ m (_____ ft)	_____ m (_____ ft)
Under Clearance:	_____ m (_____ ft)	_____ m (_____ ft)

As completed, this page is part of: _____ Date: _____

Ohio Department of Transportation

County _____ Route _____ Section _____ PID _____ SJN _____

Maintenance of Traffic During Construction:
--

	Y	N
Is a temporary bridge proposed?	<input type="checkbox"/>	<input type="checkbox"/>
Is a temporary roadway proposed?	<input type="checkbox"/>	<input type="checkbox"/>
Will the project involve the use of a detour or require a ramp closure?	<input type="checkbox"/>	<input type="checkbox"/>
Provisions will be made for access by local traffic and so posted.	<input type="checkbox"/>	<input type="checkbox"/>
Provisions will be made for through-traffic dependent businesses.	<input type="checkbox"/>	<input type="checkbox"/>
Provisions will be made to accommodate any local special events or festivals.	<input type="checkbox"/>	<input type="checkbox"/>
Will the proposed MOT substantially change the environmental consequences of the action?*	<input type="checkbox"/>	<input type="checkbox"/>
Is there substantial controversy associated with the proposed method for MOT?	<input type="checkbox"/>	<input type="checkbox"/>

Remarks
:

Estimated Project Costs and Schedule:
--

Engineering: \$ _____ Right-of-Way: \$ _____ Construction: \$ _____
Anticipated Start Date of Construction: _____

As completed, this page is part of: _____ Date: _____

Ohio Department of Transportation

County _____ Route _____ Section _____ PID _____ SJN _____

Part II - Identification and Evaluation of Impacts of the Proposed Action

Section A – Ecological Resources

	<u>Presence</u>		<u>Impacts</u>	
	<u>Y</u>	<u>N *</u>	<u>Y ***</u>	<u>N **</u>
Streams, Rivers, & Watercourses				
National Scenic River				
State Wild, Scenic or Recreational River				
Navigable Waterways				
Commercial				
Non-Commercial				
OEPA Stream Use Designation (e.g. WWH):	_____			

Remarks:

Other Surface Waters

Reservoirs
Lakes
Farm Ponds
Detention Basins
Storm Water Management Facilities
Other: _____

		*		

Remarks:

**If the resource is not present, the remainder of this subject section will not be completed.*

***If the resource is present but no impacts are anticipated, the reason why is described under Remarks.*

****Any impacts, mitigation, and agency coordination are described under Remarks and coordination letters are attached.*

As completed, this page is part of: _____ Date: _____

Ohio Department of Transportation

County _____ Route _____ Section _____ PID _____ SJN _____

Wetlands

Y	N *	Y ***	N **
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

OEPA Wetland Category: _____

Wetlands

Size of area impacted: _____ hectare(s) (_____ acre)

Documentation

Wetland Determination
Wetland Delineation Report
Individual Wetland Finding
Mitigation Plan

<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>

Remarks:

Terrestrial Habitat

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Vegetation/Type: _____

Unique or High Quality

Remarks:

Threatened and Endangered Species

Within known range of any federal species?

Federal species found in project area?

State species found in project area?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Remarks:

**If the resource is not present, the remainder of this subject section will not be completed.*

***If the resource is present but no impacts are anticipated, the reason why is described under Remarks.*

****Any impacts, mitigation, and agency coordination are described under Remarks and coordination letters are attached.*

*****If "No", see remarks section for details about how this determination was made.*

As completed, this page is part of: _____ Date: _____

Ohio Department of Transportation

County _____ Route _____ Section _____ PID _____ SJN _____

Section B – Other Resources

Presence

Y

N *

Impacts

Y

N

Drinking Water Resources

Sole Source Aquifer
Well Head Protection Area
Community/Non-Community Wells
Residential Wells
Surface Water Protection Area
Drinking Water Reservoirs

*

Remarks:

--

Flood Plains

Longitudinal Encroachment
Transverse Encroachment
Is the project located in a regulated flood plain?

*

Remarks:

--

Farmland

Active Agricultural Lands
Agricultural District
Project in compliance with ORC 929.05(A)
FPPA Project Screening Sheet
Farmland Conversion Impact Rating Form

Remarks:

--

**If the resource is not present, the remainder of this subject section will not be completed.*

As completed, this page is part of: _____ Date: _____

Ohio Department of Transportation

County _____ Route _____ Section _____ PID _____ SJN _____

Section C – Section 4(f) Resources (also see Section E - Cultural Resources)

	Presence			Impacts	
	Y	N *		Y ***	N **
Parks & Other Recreational Land			****		
National					
State					
Local					
Section 4(f) Applicability					
Section 4(f) Evaluation					
Programmatic Section 4(f)					
Section 6(f) Involvement					
Other (school, state/national forest, bikeway, etc.):					
Natural & Wildlife Areas					
Federal					
National Wildlife Refuge					
National Natural Landmark					
State					
State Wildlife Area					
State Natural Preserve					
Section 4(f) Applicability					
Section 4(f) Evaluation					
Programmatic Section 4(f)					
Section 6(f) Involvement					

Remarks:

**If the resource is not present, the remainder of this subject section will not be completed.*

***If the resource is present but no impacts are anticipated, the reason why is described under Remarks.*

****Any impacts, mitigation, and agency coordination are described under Remarks and coordination letters are attached.*

*****If "No", see remarks section for details about how this determination was made.*

As completed, this page is part of: _____ Date: _____

Ohio Department of Transportation

County _____ Route _____ Section _____ PID _____ SJN _____

Section D – Cultural Resources

	Results of Research		Level of Effects		
	No Resource Present	Eligible and/or Listed Resource Present	No Historic Properties Affected	No Adverse Effect	Adverse Effect
Prehistoric Archaeology	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Historic Archaeology	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
History/Architecture	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
NRHP Buildings/Sites	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
NRHP Districts	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
NRHP Bridges	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Documentation</u>			<u>SHPO/OES/FHWA Approval Dates:</u>		
OES Literature Review	<input type="checkbox"/>		_____		
OES Phase I Memo to File	<input type="checkbox"/>		_____		
Phase I Short Report	<input type="checkbox"/>		_____		
Phase I Cultural Resources Survey Report	<input type="checkbox"/>		_____		
Phase I History/Architecture Survey Report	<input type="checkbox"/>		_____		
Phase I Archaeology Survey Report	<input type="checkbox"/>		_____		
Phase II Cultural Resources Survey Report	<input type="checkbox"/>		_____		
Phase II History/Architecture Survey Report	<input type="checkbox"/>		_____		
Phase II Archaeology Survey Report	<input type="checkbox"/>		_____		
Phase III Archaeology Data Recovery	<input type="checkbox"/>		_____		
Documentation for Consultation/MOA	<input type="checkbox"/>		_____		
HABS/HAER Documentation	<input type="checkbox"/>		_____		
Section 4(f) Evaluation	<input type="checkbox"/>		FHWA Date: _____		
Programmatic Section 4(f) Evaluation	<input type="checkbox"/>		FHWA Date: _____		

Remarks:

As completed, this page is part of: _____

Date: _____

Ohio Department of Transportation

County _____ Route _____ Section _____ PID _____ SJN _____

Section E – Air Quality & Noise

Air Quality

Y N

Conformity Status of the Project

Is the project in an air quality non-attainment or maintenance area?

Is this project in the STIP?

Is this project in the most current MPO air quality conforming TIP?

If NO, is this project exempt from conformity analysis?

Project-Level Analysis and Impacts

Has the project scope changed substantially since the conformity analysis?

If YES, will this change require a reevaluation of the MPO TIP conformity?

Ohio EPA/ODOT agreement states that a quantitative CO analysis is recommended for the following projects: 1) Modified existing projects that cause an increase in Average Daily Traffic (ADT) of more than 10,000 vehicles between project completion and ten years hence; 2) Projects on new r/w that cause an increase of more than 20,000 ADT in the same amount of time.

Is a CO analysis required? (if "Yes", the analysis is attached)

--	--

Number and types of air quality sensitive receptors: Quantity _____ Type _____

If there are no sensitive receptors, the remainder of this section is not applicable.

Will the project move the travel lanes closer to the receptors?

Will the project increase the traffic volume of the highway?

Will the project cause any National Air Quality Standard to be exceeded?

If YES, which one will be exceeded?

Ozone ☐

PM-10 ☐

CO ☐

SOV Capacity-Adding Projects in Non-attainment TMAs

Will the project add capacity to a highway for single-occupant vehicles, by a lane addition of a mile or more, which is located in a non-attainment Transportation Management Area?

--	--

If "YES", the SOV must be drawn from the approved MPO Congestion Management System program and coordinated with FHWA prior to concurrence and approval of the CE.

Noise

Y N

Is a noise analysis required in accordance with FHWA regulations and ODOT's statewide noise abatement policy of July 24, 1997?

--	--

If YES, is a design year noise impact predicted?

--	--

If YES, have all noise attenuation measures been considered, consistent with the policy?

--	--

If NO, explain why not: _____

Is noise attenuation found to be reasonable and feasible?

--	--

Remarks:

--

Will the project move the travel lanes closer to the receptors?

--	--

Will the project warrant consideration for noise abatement?

--	--

Noise Analysis Survey attached?

--	--

As completed, this page is part of: _____ Date: _____

Ohio Department of Transportation

County _____ Route _____ Section _____ PID _____ SJN _____

Section F – Community Impacts

Regional & Community Growth

Will the proposed action result in substantial impacts on planned growth, land use or development development patterns for the area?

Y	N
<input type="checkbox"/>	<input type="checkbox"/>

Remarks:

Will the proposed action result in reasonably foreseeable secondary or cumulative impacts?

<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------

Remarks:

Public Facilities & Services

Will the proposed action result in substantial impacts on health and educational facilities, public utilities, fire, police, emergency services, religious institutions, public transportation or pedestrian and bicycle facilities?

<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------

Remarks:

Community & Neighborhood Factors

Will the proposed action result in substantial impacts to community cohesion?

Will the proposed action result in substantial impacts to local tax base or property values?

<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>

Remarks:

As completed, this page is part of: _____ Date: _____

Ohio Department of Transportation

County _____ Route _____ Section _____ PID _____ SJN _____

Environmental Justice (Presidential Executive Order 12898)

For CE levels 2 and 3 (under 8 relocations or under 8 hectares [20 acres] of ROW acquisitions):

Y	N
<input type="checkbox"/>	<input type="checkbox"/>

During public involvement activities, were Environmental Justice issues raised?

<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------

Remarks:

For CE level 4 (over 8 relocations or over 8 hectares [20 acres] of ROW acquisitions):

<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------

Identify any minority and low-income populations within the study area and discuss any adverse human health or environmental effects: (See guidance in the CE Handbook)

Remarks:

Real Estate and Utility Involvement:

Displacement of People, Businesses or Farms

Y N

Will the proposed action displace people, businesses or farms?

<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------

Number of displacements: _____ Residences: _____ Businesses: _____ Farms: _____ Institutions: _____

Will the project result in substantial impacts to economic activity, including employment gains or losses?

<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------

Has Utility Coordination been conducted? Yes: _____ No: _____ Discuss in Remarks Section.

Number of parcels to be acquired for temporary ROW:

Number of parcels to be acquired for permanent ROW:

Approximate area of temporary right-of-way needed:

_____ hectare(s) (_____ acre)

Approximate area of permanent right-of-way needed:

_____ hectare(s) (_____ acre)

Approximate number of relocations needed:

Remarks:

As completed, this page is part of: _____ Date: _____

Ohio Department of Transportation

County _____ Route _____ Section _____ PID _____ SJN _____

Section G – Public Involvement

Meetings with Public Officials:

Public Meetings:

Public Hearing:

Special Purpose Meetings (noise barriers, etc.)

Other information / activities:

Public Controversy on Environmental Grounds

Y N

Will the project involve substantial controversy concerning community and/or natural resource impacts?

☐

☐

Remarks:

**If required, a discussion of alternatives in accordance with OEPA 401 applications and 404 B1, is attached.*

As completed, this page is part of: _____ Date: _____

Ohio Department of Transportation

County _____ Route _____ Section _____ PID _____ SJN _____

Section J – Environmental Commitments Made & Resources to be Avoided

Section K – Concurrence

It is hereby determined that the subject meets the criteria for CE in accordance with the May 1, 2000 *Programmatic Categorical Exclusion Agreement* between ODOT and FHWA. This action does not: induce significant impacts to planned growth or land use for the area; require the relocation of significant numbers of people; have a significant impact on any natural, cultural, recreational, historic, or other resource; involve significant air, noise, or water quality impacts; have significant impacts on travel patterns; or otherwise, either individually or cumulatively, have any significant impacts and do not require the preparation of an Environmental Assessment or an Environment Impact Statement.

As supported by information contained in this Categorical Exclusion Document, this project qualifies for a CE Level _____, Item Number _____, in accordance with the *Programmatic Categorical Exclusion Agreement*, between ODOT and FHWA, dated May 1, 2000.

_____		_____	
Name and Organization of Preparer		Date	
_____	_____	_____	_____
District Environmental Coordinator	Date	District Planning & Programs Administrator	Date
_____	_____	_____	_____
FHWA	Date	Office of Environ. Services Administrator	Date

As completed, this page is part of: _____ Date: _____

Environmental Consultation Form

Attachment 3

3.1

ENVIRONMENTAL CONSULTATION FORM

Plan Submittal Date to Project Coordination: _____

Project Funding (NHS, STP, State, or other): _____ \$ _____

Type of Env. Doc. Approval (CEC, FONSI, ROD, or EXEMPT*): _____ Approval Date: _____

If EXEMPT, do not complete rest of form.

*EXEMPT from environmental documentation per the programmatic categorical exclusion agreement between FHWA and ODOT.

If CE, Type or Level _____ If CE is an A1 or Level 1 AND if funding is non-federal, do not complete rest of form unless a ACOE 404/OEPA 401 permit is required. In that case complete items related to permits only.

Last date of FHWA authorization for EIS (Final Design, R/W): _____

If EIS, has there been more than 3 years between major approvals? YES _____ NO _____

If YES, provide approval date of written reevaluation: _____

Environmental Commitments

Disposition

1.		
2.		
3.		
4.		
5.		

6.		
7.		
8.		

If list is larger, attach. If commitments are not included in contract, explain.

Corps of Engineers
Permit

Type: _____

Date of Approval: _____

Was an OEPA Section 401 Water Quality Certification required? YES _____ NO _____

If YES, date of approval: _____

Note - If a ACOE Permit and/or a OEPA Water Quality Certification was required, these permits must be incorporated into the plans as Special Provisions prior to plan submittal to Project Coordination.

Is Hazardous Material Plan note required? YES _____ NO _____

If YES, the final plan note must be included in Plans prior to submittal to Project Coordination.

Is project contained in STIP? YES _____ NO _____

If NO, date of submittal: _____

Was Public Hearing required? YES _____ NO _____ Date Held: _____

Have changes taken places, such as development, controversy, regulatory changes, etc. that would cause impacts not previously included in the approved NEPA Document? YES _____ NO _____

If YES, include date of approval of NEPA documentation for newly impacted areas _____

After reviewing the current status of this project, the Department considers that the NEPA Document remains valid. In our review, we have confirmed that there have been no changes to the proposed action, including its scope or location, which would result in environmental impacts not considered in the NEPA document or reevaluation, and that there is no new information or circumstances relevant to environmental concerns, and bearing on the proposed action or its impacts, which would result in substantial environmental impact not considered in the NEPA Document or the reevaluation.

Prepared by: _____

Date: _____

Approved by: _____

Date: _____

c: Horace Gilmore, Payroll & Federal Accounting - Dist. File

Revision Date: 10-03-98 (consult2.wpd)

Glossary
Attachment 4

4.1

GLOSSARY OF TERMS

A

Advisory Council for Historic Preservation (ACHP) - An independent federal agency responsible for the federal review process to ensure that cultural resources are considered during federal project planning and implementation.

Affected Environment - The physical features, land, area or areas to be influenced, affected or created by a transportation improvement under consideration; also includes various social and environmental factors and conditions pertinent to an area.

Agency Coordination - Refers to the process whereby the Department of Transportation contacts, consults and maintains communication with various public and environmental resource agencies, affording such agencies an opportunity to review and comment upon specific transportation proposals.

Agreements (Programmatic) - Agreement between agencies designed to accomplish all agency goals, including timely and efficient coordination. Establishment of a procedure that will reduce the paperwork and processing time for certain federal actions with minor impacts on the human and natural environment and effective communication, while reducing paperwork and time commitments for all involved agencies.

Alternative - One of a number of specific transportation improvement proposals, alignments, options, design choices, etc. in a study. Following detailed analysis, one improvement alternative is chosen for implementation.

Approving Authority - The individual or agency who approves a categorical exclusion.

Archaeological Investigations - Studies of prehistoric and historic locales which provide understanding of past human behavior, culture change, and related topics through scientific and scholarly techniques such as literature research, excavation, analysis and interpretation.

Average Daily Traffic (ADT) - the average number of vehicles that pass a point each day averaged over a specified period of time.

C

Capacity - The maximum number of vehicles (average daily traffic, or ADT) that can reasonably be

expected to pass over a lane of roadway during a given time period under prevailing roadway and traffic conditions.

4.2

Categorical Exclusion (CE) - A classification given to federally aided or 100 percent state funded projects or actions that do not have a significant effect on the environment either individually or cumulatively. Once a categorical exclusion is approved for a project, environmental clearance requirements of the National Environmental Policy Act have been satisfied.

Categorical Exclusion Confirmation (CEC) - The environmental documentation prepared to demonstrate there will be no significant environmental impacts on a project and, therefore, approval of a categorical exclusion for the project is appropriate.

CEQ Regulations - Directives issued by the Federal Council on Environmental Quality (40 CFR 1500-1508) that govern the development and issuance of environmental policy and procedures for federal aid actions by public agencies. The regulations contain definitions, spell out applicability and responsibilities, and mandate certain processes and procedures to be followed by state agencies that administer federally funded programs.

Clean Air Act Amendments (CAAA's) - Federal legislation passed in 1990 to change both federal and state approaches to regulating air quality; mandating programs to curb acid rain, urban air pollution, and toxic air emissions. The CAAA's call for emission reduction measures in air quality nonattainment areas, including the consideration of transportation control measures (TCMs) as part of transportation improvement projects. Projects in nonattainment areas may not increase the number of vehicle miles traveled (VMTs); the number of cars on the roadways must be reduced by encouraging drivers to use mass transit, ridesharing, and car pooling.

Comprehensive Plan - The general, inclusive long-range statement of the future development of a community. The plan is typically a map accompanied by description and supplemented by policy statements that direct future capital improvements in an area.

Conceptual Mitigation - The early, generalized identification of design, operational or construction measures that would minimize or avoid anticipated adverse environmental consequences.

Conformity - The U.S. Clean Air Act stipulates that any approved transportation project, plan, or program must conform to the State Implementation Plan (SIP), a document which prescribes procedures for the implementation, maintenance and enforcement of primary and secondary pollutants.

Constraints - More commonly described as "environmental features". Significant resources, facilities or other features of a study area located in or adjacent to an existing or proposed transportation corridor that serve to restrain, restrict, or prevent the ready implementation of proposed transportation improvements in a given area; may include natural or physical resources, important structures, manner of payment and various administrative requirements which must be met.

Consultant - An individual, partnership or firm with qualified expertise in engineering, environmental or public involvement disciplines who is contracted by the originating office to provide technical services.

4.3

Consultant Agreement - A binding legal agreement between the Department and an individual, partnership, or firm for the procurement of engineering, environmental, construction inspection, or other services; typically includes a scope of work, required staffing, schedules, manner of payment and various administrative requirements which must be met.

Contract Documents - Written material and engineering data required to put a highway construction project under contract, including: proposals, agreements, plans, specifications, estimates, and other information pertaining to the manner and method of furnishing materials and performing the work under binding agreement.

Cooperating Agency - As defined in the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA, “any organization other than a lead agency which has jurisdiction by law or special expertise with respect to any environmental impact involved in...[a] major Federal action significantly affecting the quality of the human environment.” CEQ emphasizes that agency cooperation should begin early in the NEPA process.

Cumulative Impact - The sum of all direct, indirect and secondary impacts resulting from a transportation improvement project.

D

Design Approval - An administrative action taken by either the Ohio Department of Transportation or by the Division Office of the Federal Highway Administration at the conclusion of the Preliminary Design Phase to officially certify the route location and major design features of a highway.

Design Criteria - Established state and national standards and procedures that guide the establishment of roadway layouts, alignments, geometry, and dimensions for specified types of highways in certain defined conditions. The principal design criteria for highways are traffic volume, design speed, the physical characteristics of vehicles, the classification of vehicles, and the percentage of various vehicle classification types that use the highway.

Design Exception - An approval issued by a state or federal agency to permit certain deviation from a specified, accepted design criteria granted on the basis of a report explaining the need for the exception and the consequences that will result from the action.

Design Manual - ODOT publication defining criteria, processes and procedures for the evaluation, assessment, engineering design and development of highway and bridge projects.

Determination of Effect - A finding made by the Department for federal actions, in consultation with

the State Historic Preservation Officer (and the Advisory Council for Historic Preservation), which determines whether a proposed project affects a property included on or eligible for the National Register of Historic Places.

4.4

Determination of Eligibility - The process of assembling documentation to render professional evaluation of the historical significance of a property. The Department, in consultation with the State Historic Preservation Officer applies National Register of Historic Places criteria when deciding matters of historical significance.

Direct Effects - Influences or occurrences caused by a given action and occurring at the same time as the action. Changes in noise levels, traffic volumes or visual conditions are some examples of direct effects generated by transportation improvements.

District Environmental Coordinator - see Environmental Coordinator definition.

District Office - One of twelve Ohio Department of Transportation field offices throughout Ohio responsible for administering project development, design, construction and maintenance activities within their geographic regions.

E

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Ecological Survey Report - A report summarizing the ecological field studies done to inventory ecological resources and product impacts of various project alternatives. Procedures and requirements are set forth in ODOT's Ecological Manual.

Emergency Relief (ER) Program - This is intended to aid States in repairing road facilities which have suffered widespread serious damage resulting from a natural disaster over a wide area or serious damage from a catastrophic failure.

Environmental - In a scientific context, a combination of external or extrinsic conditions present in nature. In a planning context, a category of analytical studies of aesthetic values, ecological resources, cultural resources, sociological and economic conditions, etc.

Environmental Assessment - A document prepared for an action where the significance of the environmental impact is not clearly established.

Environmental Classification - An internal determination as to which type of environmental documentation is appropriate for federal actions and 100 percent state funded projects. At the beginning of the Transportation Development Process, projects are systematically grouped into classes based on knowledge of the significance of the environmental effects. For federal actions: **Class I** projects require Environmental Impact Statements, **Class II** projects are Categorical Exclusions, and **Class III** projects require Environmental Assessments.

Environmental Coordinator - A professional in each of the Department's twelve district offices (DEC) involved in overseeing and coordinating District efforts related to environmental issues, operations and evaluations.

4.5

Environmental Document Re-evaluation - An update to an existing document prepared whenever changes occur over time to single or cumulative project conditions that might cause new or more severe environmental impacts or to evaluate a project with respect to new or changed environmental rules, regulations or laws.

Environmental Impact Statement (EIS) - The detailed statement required by the National Environmental Policy Act of 1969 when an agency proposes a federal action that significantly affects the environment.

Environmental Justice - Efforts to avoid disproportionately high and adverse impacts on minority and low-income populations with respect to human health and the environment. Reference - Executive Order 12898.

Environmental Site Assessment (ESA) - An environmental study conducted to assess the potential for contamination of a property or parcel with hazardous substances. The process by which a person or entity seeks to determine if a particular parcel of real property (including improvements) has been impacted by hazardous substances and/or petroleum products.

Erosion and Sedimentation Control Plan - A detailed plan developed to minimize accelerated erosion and prevent sedimentation damage.

F

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Farmland - As defined by the Farmland Protection Policy Act, "farmland" means prime or unique farmlands as defined in Section 1540(c)(1) of the Act or farmland that is determined by the appropriate state or local governmental agency or agencies with concurrence of the Secretary of Agriculture to be farmland of statewide or local importance. Such land may include more than actual cropland (i.e., it may include fallow or abandoned cropland, grazing land and forested land). It does not include land already in or committed to urban development or water storage, thereby excluding developed land with a density of 30 structures per 40-acre area; lands identified as "urbanized area" (UA) on the U.S. Census Bureau Map; lands shown as urban area (i.e. mapped with that "tint overprint") on USGS topographic maps; lands shown as "urban-built-up" on the USDA Important Farmland Maps (available only for a few counties in Ohio); and all assessment criteria on the Farmland Conversion Impact Rating Form.

Farmland Conversion Impact Rating (FCIR) Form - Form AD-1006 of the U.S. Natural Resources Conservation Service, used for determining whether land to be taken by a federally-

funded project is farmland subject to the Farmland Protection Policy Act.

Farmland Project Screening Sheet - A form developed by ODOT and FHWA to determine whether preparation of the FCIR form is required for a federally-funded project.

4.6

Farmland Protection Policy Act (FPPA) of 1981 - A federal law requiring federal agencies to consider the adverse effects of federal programs on farmland preservation, consider alternative actions, and as appropriate, consider mitigation that could lessen adverse effects.

Feasibility Study - Refers to systematic evaluations to better assess the desirability or practicality of further developing a proposed action. Such studies are typically performed during the planning stage, or very early in the preliminary development phase when improvement proposals or design concepts need to be more fully investigated.

Federal Action - A highway or transit project proposed for FHWA or FTA funding. It also includes actions such as joint and multiple use permits, other federal permits and approvals, changes in access control, etc., which may or may not involve a commitment of Federal funds.

Federal Highway Administration (FHWA) - An agency of the U.S. Department of Transportation responsible for carrying out federal highway and transportation mandates through a network of several regional offices and a Division Office in each state.

Field Review - A site visit conducted by the Department to gather or verify data, define scopes of work, perform analyses, and make decisions for specific projects.

Final Design - The development of detailed working drawings, specifications, and estimates for transportation projects. Final Design follows the receipt of necessary design and/or environmental approval, and it includes right-of-way acquisition, utility relocation, and contract advertisement and award.

Finding of No Significant Impact (FONSI) - A document by a Federal agency briefly presenting the reasons why an action/project will not have a significant effect on the human environment and for which an environment impact statement will not be prepared. It shall include the environmental assessment or a summary of it and shall note any other environmental documents related to it (CFR 1501.7(a)(5)). If the assessment is included, the finding need not repeat any of the discussion in the assessment but may incorporate it by reference (40 CFR - 1508.3).

G

Geometric Design - Pertains to those engineering activities involving standards and procedures for

establishing the horizontal and vertical alignment and dimensions of slopes of a highway. It includes engineering work involved with proportioning the visible elements of a facility, tailoring the highway to the terrain, the controls of environmental and land space usage, and the requirements of the highway user, individually and collectively.

4.7

H

Hardship Acquisition and Protective Buying - In extraordinary cases or emergency situations, the State Highway Department may request and the Federal Highway Administrator may approve Federal participation in the acquisition of a particular parcel or a limited number of particular parcels within the limits of a proposed highway corridor prior to completion of processing of the final environmental impact statement or adoption of the negative declaration, but only after 1) the State Highway Department has given official notice to the public that it has selected a particular location to be the preferred or recommended alignment for a proposed highway, or 2) a public hearing has been held or an opportunity for such a hearing has been afforded. Proper documentation must be submitted to show that the acquisition is in the public interest and is necessary to 1) alleviate particular hardship to a property owner, on his request, in contrast to others because of an inability to sell his property, and/or 2) prevent imminent development and increased costs of a parcel which would tend to limit the choice of highway alternatives.

Hazardous Substances - As defined in the National Oil and Hazardous Substances Pollution Contingency Plan, 40 CFR 300.5.

Headwaters - Headwaters means non-tidal rivers, streams, and their lakes and impoundments, including adjacent wetlands, that are part of a surface tributary system to an interstate or navigable water of the U.S. upstream of the point on the river or stream at which the average annual flow is less than five cubic feet per second. The U.S. Corps of Engineers may estimate this point from available data by using the mean annual area precipitation, area drainage basin maps, and the average runoff coefficient, or by similar means. For streams that are dry for long periods of the year, the Corps may establish the point where headwaters begin as that point on the stream where a flow of five cubic feet per second is equaled or exceeded 50 percent of the time. 33 CFR - 330.2(d).

In Ohio, the mean annual flow can be determined through use of the simplified regression equation presented on page 23 in Peter Anttila's publication *A Proposed Streamflow Data Program for Ohio* (USGS, 1970). The use of this formula for determining the headwater status of a stream was approved by letter dated March 1978 from the Huntington District, U.S. Army Corps of Engineers acting as lead District for the State of Ohio.

Historical/Architecture Investigations - Studies that result in identification of resources (buildings, structures and sites) constructed over fifty years ago or of recent construction and demonstrably significant based on National Register of Historic Places guidelines, via literature research, photo documentation, analysis, and interpretation.

4.8

Human Environment - Human environment shall be interpreted comprehensively to include the natural and physical environment and the relationship of people with that environment. This means that economic or social effects are not intended by themselves to require preparation of an environmental impact statement. When an environmental impact statement is prepared and economic or social and natural or physical environmental effects are interrelated, then the environmental impact statement will discuss all of these effects on the human environment. 40 CFR - 1508.14.

I

Identification of Alternatives - The Department's engineering and environmental evaluations, in which the Department identifies and chooses an initial set of study alternatives that address the stated program objectives and the project need, and which are sensitive to the resources and land uses of a study area. The process involves a wide variety of possible options, assessing the merits and drawbacks, and choosing those that should be carried forward. Alternatives to be studied normally include the No-Build or no-action alternative, an upgrading of the existing roadway alternative, new transportation routes and locations, transportation systems management strategies, multi-modal alternatives if warranted, and any combination of the above.

Impacts - Positive or negative effects upon the natural or human environment resulting from transportation projects.

Indirect Effects - Impacts that can be expected to result from a given action that occurs later in time or further removed in distance; for example, induced changes to land use patterns, population density or growth rate.

Interested Community - A compilation of the names and addresses of persons or groups affected by or interested in a specific transportation project. This information is gathered and maintained by Department officials or LPAs during the course of transportation project studies.

Intermodal Surface Transportation Efficiency Act (ISTEA) - Signed in 1991, this federal legislation (Public Law 102-240) established the policy of developing an economic, efficient, and environmentally sound national transportation system. To further this goal, ISTEA conceives transportation enhancement activities and requires transportation policy to advance the objectives of

regional and metropolitan planning by considering the “overall social, economic, energy and environmental effects” of improvement projects.

J

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Joint Development - The conception, planning and execution of improvements in the uses of land outside the normal right-of-way.

4.9

Jurisdictional Determination (JD) - A site survey or document review performed by the U.S. Army Corps of Engineers to officially determine whether or not a given parcel of land is subject to regulation as waters of the United States, and if so, the extent of the area. This is generally applied to wetlands, but may also be used to determine jurisdictional issues with respect to headwater streams, ditches and similar areas.

K

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Keeper of the National Register (Keeper) - The official responsible for the administration of the National Register within the National Park Service. One duty of the Keeper is to provide a formal determination of eligibility on cultural resources submitted when there is disagreement between the federal agency and the State Historic Preservation Officer.

L

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Lead Agency - A state or federal agency taking primary responsibility for preparing an engineering or environmental document.

Legal Notice - A formal announcement or finding per ORC published according to legal requirements by ODOT or a Local Project Sponsor Agency in a periodical or newspaper to provide official public notice of an action or approval of interest to the public.

Level of Service (LOS) - A commonly used indicator of a highway’s performance. Levels of service range from A, which indicates unrestricted free flow conditions, to F which indicates high congestion and generally restricted operating speeds.

Local Project Agency (LPA) - Any other state agency, local political subdivision, board, commission, or other governmental entity identified under paragraph C of Section 5501.03 of the Ohio Revised

Code as being eligible for assuming the administrative responsibilities for ODOT improvement projects.

LPA Project - Any highway improvement project or enhancement project that is funded primarily with monies from the Federal Highway Administration as are made available through the Department and matched with local resources.

Location Map - A graphic drawing used in study reports and meeting presentations to show the orientation and the relationship of the project with its study area in comparison with existing roadways, features, developments, municipalities, and principal land uses nearby. The graphic typically will be large enough to show all major roadways, major cities, and principal topographic controls in the region.

4.10

Logical Termini - Connecting points with known features (land uses, economic areas, population concentrations, cross route locations, etc.) at either end of a proposed transportation route that enhance good planning and which serve to make the route usable. Logical termini are considered rational end points for a transportation improvement.

M

Mapping - A plan surface with graphic or photographic representation of land or water depicting the study area for a project. Existing alignments, alternatives, engineering design features, and environmental constraints are plotted on various types of mapping. Photogrammetric (aerial) mapping assists in resource identification and studies. Topographic (base) mapping provides a foundation in alignment layout. Property tax maps, and traffic data maps also are consulted in the transportation development process. The type and scale of mapping are selected to fit the terrain and land use intensity of the study area as well as the level of detail in the proposed design.

Metropolitan Planning Organization (MPO) -The organization designated by the governor and local elected officials as responsible, together with the state, for transportation planning in an urbanized area. It serves as the forum for cooperative decision making by principal elected officials of general local government.

Mitigation Measures - Specific design commitments made during the environmental evaluation and study process that serve to moderate or lessen impacts deriving from the proposed action. These measure, right-of-way improvements and agreements with resource or other agencies to affect construction or post-construction action.

Mitigation includes:

- Reducing and eliminating impacts.
- Avoiding the impact altogether by not taking a certain action or parts of an action.

- Minimizing impacts by limiting the degree or magnitude of the action and its implementation.
- Rectifying the impact by repairing, rehabilitating, or restoring the affected environment.
- Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
- Compensating for the impact by replacing or providing substitute resources or environments.

Multiple Use - The development of nonhighway facilities within the right-of-way. “Multiple Use” means the nonhighway use of the airspace above or below the highway gradeline between the horizontal highway right-of-way limits acquired by the highway agency.

4.11

N

National Environmental Policy Act (NEPA) - Passed in 1969, the federal legislation requiring states to document the environmental impact of transportation projects. Various approaches, steps, and approvals now used in the Ohio Transportation Development Process originated with the National Environmental Policy Act. The NEPA process is enforced by regulations of the Council on Environmental Quality (CEQ).

National Pollutant Discharge Elimination System (NPDES) Permit - Mandated by Section 401 of the Clean Water Act for the discharge of pollutants from a point source into surface waters (including wetlands) for disposal purposes; intended to regulate the amount of chemicals, heavy metals, and biological wastes discharged in wastewater. Currently applies to stormwater discharges from construction projects disturbing 5 acres or more.

National Register of Historic Places (NRHP). The national list of districts, sites, buildings, structures and objects significant in American history, architecture, archaeology, engineering, or culture. It is maintained by the Secretary of the Interior under authority of Section 101(a)(1)(A) of the National Historic Preservation Act, as amended.

National Register of Historic Places - Criteria for Evaluation - The criteria used by the Ohio Historic Preservation Office and the National Park Service to evaluate the eligibility of properties for listing on the National Register of Historic Places. The criteria are:

The quality of significance in American history, architecture, archaeology, engineering, and culture is present in districts, sites, buildings, structures and objects that possess integrity of location, design, setting, materials, workmanship, feeling and association, and:

1. that are associated with events that have made a significant contribution to the broad patterns of our history; or
 2. that are associated with the lives of persons significant in our past; or
 3. that embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
 4. that have yielded, or may be likely to yield, information important in prehistory or history.
- Natural Disaster** - A sudden and unusual natural occurrence, including but not limited to intense rainfall, floods, hurricanes, tornadoes, tidal waves, landslides, volcanic eruptions or earthquakes which causes serious damage.

4.12

Navigable Waters of the U.S. - Navigable waters of the United States are those waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. A determination of navigability, once made, applies laterally over the entire surface of the waterbody, and is not extinguished by later actions or events which impede or destroy navigable capacity. 33 CFR - 329.4.

No-Build Alternative or “No-Action Alternative” - Option of maintaining the status quo by not building transportation improvements. Usually results in eventual deterioration of existing transportation facilities. Serves as a baseline for comparison of “Build” Alternatives.

Non-Attainment Areas - Counties that do not meet national ambient air quality standards for carbon monoxide and/or ozone pollution; ranked by the severity of their problem as marginal, moderate, serious, severe or extreme. In accordance with the Clean Air Act Amendments of 1990, these areas must take specific emission reduction measures.

Notice of Intent - Announcement in the Federal Register advising interested parties that an Environmental Impact Statement will be prepared and circulated for a given project.

O

Office of Environmental Services (OES) - An administrative unit of the Ohio Department of Transportation responsible for managing Department environmental programs, including developing and providing environmental policy procedures and technical guidance to other Department offices.

Open House - An informal, unstructured Public Meeting or Hearing during which information stations

with exhibits convey important project information and Department and consultant personnel are available to answer the public's questions.

OAC - Ohio Administrative Code

ORC - Ohio Revised Code.

Ordinary High Water (OHW) - the ordinary high water mark is the elevation at which U.S. Army Corps of Engineers jurisdiction begins. The OHW mark is the line on the shore established by the fluctuations of water and indicated by physical characteristics such as an impressed natural line, shelving, a vegetation change or debris lines.

Originating Office - The lead District, or LPA responsible for administering, developing, and implementing a given project.

4.13

P

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Planning Stage - First stage of the Transportation Development Process. Planning involves the development of a Statewide Multi-modal Transportation Plan and Metropolitan areas plan. This phase involves inventories, data collection, problems/needs assessments, generating and comparing alternative plans, evaluating the social, economic, and environmental impacts of proposed transportation actions with a variety of public, agency, and citizen involvement groups, and selecting the preferred plan for the state and the MPOs. The State of Ohio involves elements of policy planning, systems planning, or facility planning by ODOT and the MPOs in cooperative coordination. The focus of the effort is a long-range plan.

Plans - Technical drawings which show the location, character, and dimensions of prescribed project work, including layouts, profiles, cross-sections and other details.

Pre-Construction Notification - A Pre-Construction Notification (PCN) is a document, generally a completed 404 Application, which must be submitted to the U.S. Army Corps of Engineers prior to commencing an activity authorized by a Nationwide Permit.

Programming - A general term to refer to a series of activities carried out by the Department, including data assessment, appraisal of identified planning needs and consideration of available or anticipated fiscal resources to result in the drawing up, scheduling and planning.

Project File - A compilation of all data and study materials associated with environmental documents, including all pertinent information gathered during the environmental evaluation, supporting reports,

telephone memorandums and pertinent correspondence.

P.S. & E. Submission - The reference given to a transmittal of plans, specifications, and estimates made from a preparing office to the Department for review and processing. This transmittal includes all written material and engineering data necessary to place a highway construction project under contract. These submissions are reviewed for accuracy and completeness prior to bid, and for certain major federal aid projects are provided to the Federal Highway Administration for final approval.

Public Hearing - A meeting designed to afford the public the fullest opportunity to express support of, opposition to, or comment on a transportation project. Documentation is required.

Public Involvement - Coordination events and informational materials geared toward public participation in the Transportation Development Process.

Public Meeting - An announced meeting conducted by transportation officials designed to facilitate public participation in the decision-making process and to assist the public in gaining an informed view of a proposed project during the Transportation Development Process.

4.14

Q

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Qualitative Analysis - A general concept which categorizes a process used in certain types of environmental or route location studies where multiple factors are compared in a systematic and comprehensive manner on the basis of sound judgement. Factors analyzed by using a qualitative analysis are such that they cannot be measured in monetary terms, have no apparent common denominators, and are not readily quantifiable.

Quantitative Analysis - The process used in certain environmental, economic, cost-benefit, engineering, or traffic studies where multiple factors, elements, and/or outcomes are evaluated and compared by the use of measurable data. Certain mathematical models, formulas, numerical indices, rankings, and value matrices may be used to assist with such a process.

R

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Record of Decision (ROD) - A document prepared by the Division office of the Federal Highway Administration that presents the basis for selecting and approving a specific transportation proposal that has been evaluated through the various environmental and engineering studies of the TDP. Typically, the ROD identifies the alternative selected in the Final EIS, the alternatives considered,

measures to minimize harm, monitoring or enforcement programs, and an itemized list of commitments and mitigation measures.

Regulatory Agency - An agency empowered to issue permits or recommend approval or denial of a permit or action.

Reserve Pool Bridge - a bridge that is considered potentially eligible for inclusion in the National Register of Historic Places. Bridges in this category receive the same consideration as a Selected Pool Bridge until a determination of eligibility is made.

Right-of-Way - Land, property, or interest therein acquired for and devoted to transportation purposes such as construction, maintenance, operations, and protection of a facility.

S

Scope of Work - A detailed, written listing of tasks prepared in advance of engineering and environmental work to define requirements of studies. A scope of work is provided to prospective consultant firms prior to the initiation of studies to aid in preparing estimates of working hours, schedules, and costs required to prepare, complete, and deliver the work described.

Scoping Field Review - A site visit conducted by the Originating Office and other appropriate parties to define a project's scope of work and to evaluate a variety of circumstances involved with the proposed project. These circumstances may include: engineering parameters, involvement of environmental resources, and required public involvement.

4.15

Secondary Effects - A general term to define impacts which are caused by a specific action and which take place later in time or further removed in distance but are still reasonably foreseeable. Secondary effects can be indeterminate, may not be easily recognized, and can be difficult to identify and evaluate.

Section 106 Procedures - Procedures based on Section 106 of the National Historic Preservation Act of 1966 which governs the identification, evaluation, and protection of historical and archaeological resources affected by state and federal transportation projects. Principal areas identified include required evaluations to determine the presence or absence of sites, the eligibility based on National Register of Historic Places criteria and the significance of the effect of a proposed project upon such a site.

Section 401 Water Quality Certification - Required by Section 401 of the Federal Clean Water Act for projects involving the discharge of materials into surface waters, including wetlands. The applicant must demonstrate that activities will comply with water quality standards and other provisions of federal and state law and regulations regarding conventional and nonconventional pollutants, new source performance standards, and toxic pollutants.

Section 404 Alternatives Analysis - Examines practical alternatives to the possible discharge of dredged or fill material into certain aquatic ecosystems, such as wetlands, mud flats, vegetated shallows or other special aquatic systems. “Practical” means “available and capable of being done after taking into consideration cost, existing technology and logistics in light of overall project purposes.” Criteria guiding such an analysis are derived from the provisions of Section 404(b)(1) of the 1972 Federal Clean Water Act as amended in 1977. The analysis is performed during the environmental studies of the Transportation Development Process and is required before the issuance of a permit by the Corps of Engineers for the discharge of dredged or fill materials.

Section 404 Permit - A Department of the Army (DOA) Corps of Engineers permit to authorize the discharge of dredged or fill material into waters of the U.S. pursuant to section 404 of the Clean Water Act (CWA) (33 U.S.C. 1344). The types of permits that may be issued are:

Individual Permit - DOA authorization that is issued following a case-by-case evaluation of a specific project involving the proposed discharge(s) in accordance with the procedures of 33 CFR Parts 323 and 325 and a determination that the proposed discharge is in the public interest pursuant to 33 CFR Part 320. 33 CFR - 323.2(g).

General Permit - DOA authorization that is issued on a nationwide or regional basis for a category or categories of activities when:

1) Those activities are substantially similar in nature and cause only minimal individual and cumulative environmental impacts;

4.16

2) The general permit would result in avoiding unnecessary duplication of regulatory control exercised by another Federal, state, or local agency provided it has been determined that the environmental consequences of the action are individually and cumulatively minimal. (See 33 CFR - 325.2(e) and 33 CFR Part 330). 33 CFR -- 322.2(f) and 323.2(h).

Regional Permit - Regional permits are a type of general permit. They may be issued by a division or district engineer after compliance with the other procedures of the section 404 permit regulations. If the public interest so requires, the issuing authority may condition the regional permit to require a case-by-case reporting and acknowledgment system. However, no separate applications or other authorization documents will be required. 33 CFR -- 325.2(e)(2) and 325.5(c)(1).

Nationwide Permit - Nationwide permits are a type of general permit and represent DOA authorizations that have been issued by the regulation (33 CFR Part 330) for certain specified activities nationwide. If certain conditions are met, the specified activities can take place without the need for an individual or regional permit. 33 CFR - 325.2(e)(1).

Section 4(f) Determination - Administrative action by which FHWA confirms that, on the basis of extensive studies and analysis, there are no “prudent and feasible” alternatives to the taking of land from resources protected under Section 4(f) of the U.S. Department of Transportation Act, as amended (49 USC 303). These resources include: parks or recreation areas that are publicly owned or open to the public, publicly owned wildlife or waterfowl refuges, or any significant historic sites.

Section 6(f) - A provision in the Federal Land and Water Conservation Fund Act that protects public recreational properties developed or enhanced using federal funding supplied to states or municipalities under the act by requiring replacement of lands converted to nonrecreational uses. Proposed transportation projects which affect such lands require a study and an analysis of alternatives to serve as the basis for a Section 6(f) finding by the U.S. Department of the Interior. Specific state legislation for any proposed land transfer is also required in order to implement a Section 6(f) action. Generally requires replacement of 6(f) land taken for a project.

Selected Pool Bridge - A bridge that is considered eligible for inclusion in the National Register of Historic Places. Bridges in this category are treated as if they are in the National Register of Historic Places.

Sensitive Receptor - An area of frequent human use (i.e. residential property, church, school, library, hospital, park, hotel, motel, etc.)

Sensitive Species - Plant or animal species which are (1) Federal listed or proposed threatened or endangered species; (2) bird species protected under the Migratory Bird Treaty Act; (3) species protected under State endangered species laws and regulations, plant protection laws and regulations; Fish and Game codes, or species of special concern listings and policies, or (4) species recognized by national, state, or local environmental organizations (e.g. The Nature Conservancy).

4.17

Significant Impacts - Any number of social, environmental, or economic effects or influences that may result from the implementation of a transportation improvement; classified as direct, secondary, or cumulative which significantly affect the human environment. The FHWA mandates environmental clearance documents based upon the significance of impacts. In most cases, Environmental Impact Statement projects involve significant impacts. Both context and intensity as described in 40 CFR 1508.27 are important when determining significance.

Sole Source Aquifer - As defined by the Federal Safe Drinking Water Act, a groundwater source that represents the principle source of a water supply for a community or region that, if contaminated, would create a significant hazard to public health.

Special Aquatic sites - Those sites identified in 40 CFR 230 Subpart E (i.e. sanctuaries and refuges, wetlands, mud flats, vegetated shallows, coral reefs, and riffle and pool complexes). They are geographic areas, large or small, possessing special ecological characteristics of productivity, habitat, wildlife protection, or other important and easily disrupted ecological values. These areas are generally recognized as significantly influencing or positively contributing to the general overall

environmental health or vitality of the entire ecosystem of a region. 40 CFR - 230.3(q-1).

Structure File Number - The Structure File Number is a permanent number assigned to the structure when the bridge is first conceived. This is the identification number for the data on a particular structure. It is seven (7) digit numeric which is assigned from a master list by appropriate control authority. The first two (2) digits are the numeric code for the Ohio county in which the structure is located. The next four (4) digits make up the specific number for that structure. The last or seventh digit is a computer calculated check digit which has no particular sequence, but is an integral and very necessary part of the file number. Using this digit, the program can check the validity of the entire number before entering the data in the record.

Study Area - A geographic area selected and defined at the outset of engineering and environmental evaluations which is sufficiently adequate in size to address all pertinent project matters occurring within it.

Summary of Environmental Commitments - Design commitments made during the environmental evaluation and study process to moderate or lessen impacts from the proposed action. These measures may include planning and development commitments, environmental measures, right-of-way improvements, and agreements with resource or other agencies to effect construction or post construction action.

T

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Transcript - A typewritten record, usually prepared by a certified stenographer, providing a verbatim account of the official proceedings that take place at all Public Hearings and some Public Meetings.

4.18

Transportation Development Process (TDP) - Ohio's procedures for advancing a transportation improvement project from concept to construction. The philosophy behind the process emphasizes the integration of engineering and environmental studies and coordination among Department offices, state and federal resource agencies and the public. The ultimate goal is to select, design, and construct the most reasonable, practical, cost-effective, technically sound and environmentally sensitive transportation improvement option.

W

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Waters of the U.S. - Waters of the U.S. are water bodies subject to U.S. Army Corps of Engineers jurisdiction. They include all interstate and intrastate waters such as lakes, rivers, streams (including

intermittent streams) and wetlands.

Well Head Protection Area - The surface and subsurface area surrounding a water well, well field, spring or infiltration gallery supplying a public water system, through which contaminants are reasonably likely to move toward and reach the water well or well field.

Wetlands - Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. 33 CFR - 328.3(b); 40 CFR - 230.3(t).

Wetland Delineation Report - Provides both written and illustrated data to define the boundaries of those topographic features within a study area and which meet the federal definition of “wetland” as contained in 33 CFR 328.3(b). A delineation report represents the first step in the overall wetland study process, which evaluates the importance of a wetland, and ultimately assesses the effects of a project on a wetland. Currently wetlands are delineated in accordance with the 1987 U.S. Army Corps of Engineers *Wetland Delineation Manual*. The report may be a part of an Ecological Survey Report or a separate report for the specific purpose of wetland delineation.

Gantt Chart Example
Attachment 5

Reference Section Attachment 6

6.1

Reference Section

- Archaeology Guidelines, published by the Ohio Historic Preservation Office (1994).
- The Concrete Arch Supplement to the Ohio Historic Bridge Inventory, Evaluation and Preservation Plan (1994).
- National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321 *et seq.*). as amended by Executive Orders 11514 and 11991.
- FHWA Notice T 6640.8A, FHWA Technical Advisory: “Guidance for Preparing and Processing Environmental and 4(f) Documents,” (October 30, 1987)
- CEQ, Regulations for Implementing the Procedural Provisions of the NEPA (40 CFR 1500-

1508, Nov. 29, 1978.)

- CFR: Title 23–Highways; Chapter 1, “FHWA, DOT”; Subchapter H, “Right-of-Way and Environment”; Part 7-7-1, “Environmental Impact Statements”; FHWA NEPA Regulations, (Dec. 29, 1980, amended Sept. 8, 1987)
- 23 CFR, Part 630, Subpart C, Appendix A, Federal Aid Project Agreement, Form PR-2 Agreement Provisions
- Clean Air Act Amendments (CAAA) of 1990 (42 U.S.C. 7400)
- Executive Order 11988, Evaluation of Flood Hazards
- Executive Order 11990, Protection of Wetlands
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority and Low Income Populations
- FHWA Noise Analysis Guidance, 1995
- Final Nationwide Section 4(f) Evaluation and Approval for Federally Aided Highway Projects with Minor Involvements with Historic Sites.
- How to Complete the Ohio Historic Inventory, by Stephen C. Gordon, published by the Ohio Historic Preservation Office (1992)
- ODOT Traffic Noise Policy, 1997
- Programmatic Section 4(f) Evaluation and Approval for FHWA Projects that necessitates the use of historic bridges.

6.2

- Programmatic Agreement among FHWA, ACHP, ODOT, & OHPO Regarding Federally Funded or Approved Highway Bridge Projects.
- The Second Ohio Historic Bridge Inventory, Evaluation and Preservation Plan (1990).
- Section 4(f) of the U.S. DOT Act of 1966 [49 U.S.C. 303]
- Section 6(f) of the Land and Water Conservation Act (16 U.S.C. 460L-4 to 460L-11)
- Section 7 of the Endangered Species Act, as amended (16 U.S.C. 1530-1543)
- Section 106 of the National Historic Preservation Act [16 U.S.C. 470 (f)]
- Section 401 of the U.S. Clean Water Act of 1977 (33 U.S.C. 1251-1376)

- Section 402 of the U.S. Clean Water Act of 1977
- Section 404 of the U.S. Clean Water Act of 1972 (as amended 1977)
- State of Ohio, Water Quality Standards; Chapter 3745-1 of the Administrative Code (Most Recent Revision). Ohio Environmental Protection Agency; Division of Surface Water
- US Army Corps of Engineers, Public Notice No. CEORP-or 97-NWPI; Nationwide Permits for the State of Ohio. Corps of Engineers Regulatory Program, Reauthorization of the Nationwide Permits (most recent revision)
- Mastering NEPA: A Step-by-Step Approach; Ronald E. Bass and Albert I. Henson; Solana Press Books, 1993
- The 9 Step Transportation Development Process: Interim Guidelines April, 2000, for Environmental Assessments & Environmental Impact Statements, Ohio Dept. of Transportation, Office of Environmental Services.
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PROGRAMMATIC

CATEGORICAL EXCLUSION AGREEMENT

BETWEEN
THE FEDERAL HIGHWAY
ADMINISTRATION
AND THE OHIO DEPARTMENT
OF TRANSPORTATION
May 1, 2000



Office of Environmental Services
**PROGRAMMATIC
CATEGORICAL EXCLUSION AGREEMENT**

INTRODUCTION - This agreement establishes a procedure that will reduce the paperwork and processing time for certain Federal actions that do not have significant impacts on the human and natural environment. In entering into this agreement, the Ohio Department of Transportation (ODOT) agrees to act on behalf of the Federal Highway Administration (FHWA) in assuring compliance with all applicable Federal environmental and related requirements. This agreement has been developed to be in conformance with the policy and procedures for environmental process of

Class II-Categorical Exclusion (CE) Actions as defined in Section 23 CFR 771.117 (and as amended).

ODOT and FHWA concur in advance with the classification of those types of CEs (identified on pages 4-7 of this agreement) which normally are found to have no significant social, economic and environmental effect. ODOT agrees that all the conditions stated in this Programmatic CE Agreement will be satisfied for all projects processed under this agreement. This agreement supersedes all previous CE processing agreements held between FHWA and ODOT.

In accordance with FHWA regulations (23 CFR 771, “Environmental Impact and Related Procedures”), CEs are actions which meet the definition contained in the Council on Environmental Quality regulations, 40 CFR 1508.4, and, based on past experience with similar actions, do not involve significant environmental impacts. They are actions which:

- do not induce significant impacts to planned growth or land use for the area,
- do not require the relocation of significant numbers of people,
- do not have a significant impact on any natural, cultural, recreational, historic, or other resource,
- do not involve significant air, noise or water quality impacts,
- do not have significant impacts on travel patterns, or
- do not otherwise, either individually or cumulatively, have any significant environmental impacts, and are, therefore, excluded from the requirement to prepare an EA or EIS.

Due to the limited scope of work for certain projects and based on past experience with similar actions, FHWA and ODOT will not require documentation for the actions listed below. These actions meet the intent of 23 CFR 771.117(c), some actions “...meet the criteria for CEs in the CEQ regulation and normally do not require any further NEPA reviews by the Administration.”

These projects are standard stand alone maintenance functions that, based on ODOT’s and FHWA’s past experience, will not result in any significant impacts to the human or natural environment:

- Guardrail replacement where no new bank stabilization is required,
- The replacement of traffic signals within existing ROW (provided no work takes place within any historic districts),
- General pavement marking or “line painting” projects,
- The installation of raised pavement markers,
- Herbicidal spraying within existing ROW,
- Mowing or brush removal/trimming projects within existing ROW,
- The installation or maintenance of signs and/or replacement fencing,
- Study type projects (i.e. feasibility studies, etc.),
- Bridge deck overlays, Bridge deck replacements, and other maintenance activities, including

- bridge painting projects provided project doesn't involve any work within streams, rivers, scenic river corridors or historic properties,
- General highway maintenance, including filling potholes, crack sealing, mill and resurfacing, joint grinding/milling, etc.

No documentation is required for the above noted projects.

The provisions of this Agreement provide for:

- 1) ODOT Districts and ODOT's Office of Environmental Services (OES) to act on behalf of FHWA in assuring compliance with all applicable Federal environmental and related requirements.
- 2) A process that will be consistent in documenting information that allows for defensible CEs on a statewide basis.
- 3) A process that is concise and easy to follow.
- 4) A process that personnel with limited exposure to the environmental process can follow, provide the proper information, and make appropriate decisions within the bounds of this Agreement.
- 5) A process that utilizes technological advances by reducing the amount of paperwork and providing a digital format for processing.

In carrying out this Agreement, ODOT and FHWA agree to four levels of review and approval and to continue efforts towards achieving a paperless environmental process for Categorical Exclusion projects. The appropriate level of CE is determined based on the type of action and the impact of the project.

The four Levels of CEs are discussed on the following pages:

CE LEVEL 1

CE Level 1 projects assume little or no impact to the environment and they will only require the CE Level 1 form be filled out and kept on file by the District. (See OES's Categorical Exclusion Evaluation Handbook.) CE Level 1 projects will not result in the displacement of any permanent structures or result in the acquisition of lands protected by section 4(f). These projects will only involve minor amounts (strip takes) of Right of Way. No impacts to wetlands, or Section 106 resources will occur. The District Environmental Coordinator (DEC) shall confirm that these actions meet the criteria for CE Level 1 projects. Projects that do not meet the criteria for CE Level 1

projects shall be processed at the next appropriate higher level.

CE Level 1 projects include the following:

1. Approval of utility installations along or across a transportation facility provided no drainage of wetlands will occur.
2. Construction of bicycle and pedestrian lanes, paths and facilities provided that no new disturbance will occur (e.g. Designations of certain highways as bike routes, painting of existing paved shoulders as bike lanes, etc..)
3. Transfer of Federal Lands pursuant to 23 USC 317 when the subsequent action is not an FHWA action.
4. Landscaping.
5. Installation of new fencing, signs, small passenger shelters, traffic signals and railroad warning devices where no substantial land acquisition, traffic disruption or the elimination of on-street parking will occur.
6. Emergency repairs under 23 USC 125.
7. Acquisition of scenic easements.
8. Improvements to existing maintenance facilities, rest areas and truck weigh stations.
9. Ridesharing activities.

CE Level 1 projects cont...

10. Transportation corridor fringe parking facilities and park-and-ride lots for ridesharing.
11. Approvals for disposal of excess right-of-way or for joint or limited use of right-of-way (such as cell towers) where the proposed use would have minimal or no adverse social, economic or environmental impacts.
12. Wetland mitigation activities.
13. Culvert and structure replacement/reconstruction that involve no more than minimal additional right-of-way necessary to grade around the new bridge/culvert plus any necessary channel work. (All permits and coordination are still required.) (If an individual permit is required, the project cannot be processed as a CE Level 1.)
14. Modernization of a highway by resurfacing where no new bank stabilization or shoulders are added.
15. Tower Lighting Projects.
16. Track and Railbed improvements, maintenance activities, or acquisition.
17. Acquisition of land for hardship or protective purposes; advance land acquisition loans under section 3(b) of the UMT Act. Hardship and protective buying will be permitted only for a particular parcel or a limited number of parcels. These types of land acquisition qualify for a CE only where the acquisition will not limit the evaluation of alternatives, including shifts in alignment for planned construction projects, which may be required in the NEPA process. No project development on such land may proceed until the NEPA process has been completed.
18. Minor Enhancement or Facility improvement projects (i.e., Installation of Park Benches, Decorative lighting, etc.)

Projects that involve any of the following will not be considered eligible for processing as a CE Level 1:

- **Section 106 resources**
- **Section 4(f) impacts/use,**
- **Wetland impacts**
- **Scenic River corridor**
- **Individual 404 or Section 10 Permits,**
- **Coast Guard Permit,**
- **Substantial Traffic disruption.**

CE LEVELS 2 and 3 ACTIONS

The following table includes a list of actions that ODOT and FHWA have agreed are normally Levels 2 or 3 CE actions. The items on this Table can be broken down into the associated Level by applying the criteria listed in pages 8-10.

Levels 2 and 3 Categorical Exclusion Actions

1. Modernization of a highway by resurfacing, restoration, rehabilitation, reconstruction, adding shoulders, or adding through lanes (with the exception of Interstate or “Interstate-like” Freeways) or auxiliary lanes (e.g., parking, weaving, turning, climbing).
2. Highway safety, truck escape ramps or traffic operations improvement projects including the installation of ramp metering control devices and lighting.
3. Bridge rehabilitation, reconstruction, or replacement, the construction of grade separation to replace existing at grade railroad crossings, or the removal of existing railroad grade separation structures.
4. Construction of an interchange to replace an existing at grade intersection.
5. Construction of new bus storage and maintenance facilities in areas used predominantly for industrial or transportation purposes where such construction is not inconsistent with existing zoning and located on or near a street with adequate capacity to handle anticipated bus and support vehicle traffic.
6. Rehabilitation, reconstruction or conversion of existing rail and bus buildings and ancillary facilities where only minor amounts of additional land are required and there is not a substantial increase in the number of users.
7. Construction of bus transfer facilities (an open area consisting of passenger shelters, boarding areas, kiosks and related street improvements) when located in a commercial area or other high activity center in which there is adequate street capacity for projected bus traffic.
8. Construction or conversion of rail storage and maintenance facilities in areas used predominantly for industrial or transportation purposes where such construction is not inconsistent with existing zoning and where there is no significant noise impact on the surrounding community.

Levels 2 and 3 Categorical Exclusion Actions....cont.

9. Construction of new truck weigh stations or rest areas.
10. Construction of ODOT storage and maintenance facilities in areas used predominantly for industrial or transportation purposes where such construction is not inconsistent with existing zoning and where there is no significant environmental impacts.
11. Noise walls/mitigation projects.
12. Construction of Bicycle and pedestrian lanes, paths or facilities.
13. Approvals for changes in access control that involve the NHS system and limited access ROW.

CE LEVEL 2

The following criteria apply to projects classified as CE Level 2 projects. The District Environmental Coordinator and the District Planning & Program Administrator (both signatures are required) can confirm that these actions are within the limits of these criteria and meet the intent of CE Level 2 projects.

Impacts Of CE Level 2 Projects Can Involve:

1. Minor right-of-way (ROW) acquisition involving a maximum of 4 hectares (10 acres) or involving the maximum of 2 relocations. *(The context and intensity of the impact may require the CE to be elevated to the next higher Level. Confirmation (by ODOT) shall be made that the acquisition will not result in significant impacts to the community or environment.)*
2. Minor amounts of hazardous materials (involvement limited to petroleum related USTs and/or releases).
3. Wetland impacts that do not result in the preparation of an Individual 404 or 401 permit. (Enough information to issue a Wetland Finding must be included in the CE documentation.)
4. No Effect or Historic Properties Affected or a No Adverse Effect Determinations on historic or archaeological resources that are on or eligible for the National Register of Historic Places, not involving an archaeological Phase III recommendation.
5. Minor public or agency controversy on environmental grounds *(no opposition from any organized groups or agencies and no unresolved environmental coordination).*

Projects that involve any of the following will not be considered eligible for processing as a CE Level 2:

- **Addition of through travel lanes,**
- **Construction of an interchange to replace an existing at grade intersection,**
- **Coast Guard Permit,**
- **Section 4(f) impacts/use,**
- **Individual Section 10 Permits,**
- **Substantial flood plain impacts, or**
- **Impacts to Threatened or Endangered Species or**
- **Any disproportionately high and adverse impacts relative to Environmental Justice.**

CE LEVEL 3

The following criteria apply to projects classified as CE Level 3 projects. The confirmation that these actions meet the intent of CE Level 3 projects can be made by the Administrator or one of the Assistant Environmental Administrators of the Office of Environmental Services within ODOT.

IMPACTS OF CE LEVEL 3 PROJECTS COULD INCLUDE:

1. Right-of-way (ROW) acquisition involving a maximum of 8 relocations or up to 8 hectares (20 acres) of permanent Right-of-Way. *(The context and intensity of the impact may require the CE to be elevated to the next higher Level. Confirmation shall be made to determine that the acquisition will not result in significant impacts to the community or environment.)*
2. Historic or archaeological resources that are on or eligible for the National Register of Historic Places. This includes findings of Adverse Effect provided that an Individual Section 4(f) determination is not required. *If the requirements of a Programmatic Section 4(f) are met, the project does not necessarily need to be submitted to FHWA for confirmation of the CE status. It can remain a CE Level 3 provided that the Programmatic Section 4(f) has been coordinated through FHWA.*
3. Wetland impacts of 2 hectares (5 acres) or less. (Enough information to issue a Wetland Finding must be included in the CE documentation.)
4. Substantial public or agency controversy on environmental grounds *(strong opposition from organized groups or agencies)*. CE documentation must demonstrate that the public or agency concerns have been addressed and is attached.
5. Section 4(f) impacts/use that fall within the bounds of a Programmatic 4(f), provided that FHWA has concurred with the 4(f) Determination.

Projects that involve any of the following will not be considered eligible for processing as a CE Level 3:

- **Section 4(f) impacts/use** *(Requiring an Individual Section 4(f) Determination),*
- **Substantial/significant floodplain impact,**
- **Impacts to Threatened or Endangered Species,**
- **Requiring an individual Air Quality analysis, or**
- **Any disproportionately high and adverse impacts relative to Environmental Justice**

CE LEVEL 4

Actions with impacts not discussed in this Agreement or with higher impacts than listed above require coordination with FHWA. These actions must be coordinated with OES and approved by FHWA.

CE Level 4 Projects:

Projects in this category must meet the intent of 23 CFR 771.117 (d) and satisfy the criteria for CE Classification. Based on past experience with similar actions, these actions do not involve significant environmental impacts.

General

Per 771.111 (h)(2)(i) and (ii), every Federal action requires some level of public involvement, including providing for early and continuous opportunities throughout the project development process. **The level of public involvement should be commensurate with the proposed action.**

For all actions processed under this agreement, all project impacts, regardless of CE Level, must be assessed for **context and intensity** (40 CFR 1508.27). As such, the application of 23 CFR 771.111 (h)(2)(iii) must be evaluated to determine if a public hearing or the opportunity for a hearing is in the public's interest. Hearings are to be held at a convenient time and place for any Federal-aid project which requires significant amounts of right-of-way, substantially changes the layout or functions of connecting roadways or the facility being improved, has a substantial adverse impact on abutting property, otherwise has a significant social, economic, environmental or other effect or for which the FHWA determines that a public hearing in the public interest.

For CE Level 1 projects, the "Supplemental Project Information- CE Level 1" form shall be completed.

For CE Levels 2, 3 and 4 projects, all coordination, evaluations, and determinations made by ODOT under this Agreement will be adequately documented with the use of a Categorical Exclusion Form. This standard form has been designed for use in preparation of CE Levels 2, 3 and 4 documents for

transportation projects (See OES's Categorical Exclusion Evaluation Handbook). This form was developed to provide a consistent process resulting in a more thorough and efficient advancement of projects that are expected to have minor environmental involvements.

This Agreement shall not preclude the Department from requesting individual CE review and approval from the FHWA when deemed necessary even though the action falls within the bounds of this Agreement. This Agreement shall not preclude processing projects outside the bounds of this agreement with FHWA's participation and approval. This Agreement shall also not preclude the FHWA the right to request, for individual review, CE actions that fall within the bounds of Levels 1, 2, and 3.

ODOT agrees to reevaluate the CE classification on all proposed actions prior to requesting subsequent major project approvals to establish whether or not conditions of the project have changed and to determine if the NEPA determination remains valid for the action. Projects, which upon reevaluation remain within the limits of this agreement, need no further NEPA coordination with FHWA. In accordance with 23 CFR 771.129, the Environmental Consultation Form (See OES's Categorical Exclusion Evaluation Handbook) will be used for the reevaluation.

FHWA has developed the attached Programmatic Wetland Finding for all actions processed under this Agreement.

SIGNATURE AUTHORITY - Confirmation that a project is a CE Level 1 will be performed by the Districts' Environmental Coordinators. For CE Level 2 projects, the confirmation will be made by the Districts' Environmental Coordinators and Planning/Programming Administrators. For CE Level 3 projects, the Administrator or one of the three (3) Assistant Environmental Administrators of the Office of Environmental Services will confirm that a project meets the CE Level 3 criteria.

For projects involving coordination with Resource or Regulatory Agencies (e.g. the Advisory Council on Historic Preservation {MOA's, Adverse Effects, etc..}), confirmation of the project as either a CE Level 2 or CE Level 3 will not be made until all coordination is satisfactorily completed. This includes any MOA's that need to be signed and incorporated in the document as an environmental commitment.

MONITORING - Full compliance with this agreement will be determined through a process review to be jointly conducted by FHWA, ODOT OES and ODOT District staff. The results of such reviews will be used to determine what agreement modifications, if any, may appropriately be made. The first review shall occur within the first 12 months of this Agreement and, as a minimum, every 2 years thereafter.

On a semi-year basis, ODOT will provide FHWA with a list of projects (including county, route and section, PID, Date of action, level of CE and a short project description) that have been processed using this Agreement.

Programmatic Categorical Exclusion Agreement

***Office of Environmental
Services***

It is hereby determined that all Categorical Exclusion projects that fall within the bounds of this agreement are actions which meet the definition contained in 40 CFR 1508.4, and, based on past experience with similar actions, do not involve significant environmental impacts. They are actions which: do not induce significant impacts to planned growth or land use for the area; do not require the relocation of significant numbers of people; do not have a significant impact on any natural, cultural, recreational, historic, or other resource; do not involve significant air, noise, or water quality impacts; do not have significant impacts on travel patterns; or do not otherwise, either individually or cumulatively, have any significant environmental impacts and do not require the preparation of an

Leonard E. Brown 4/27/2000 Gordon Proctor 4-25-00

Environmental Assessment or an Environmental Impact Statement.

APPROVED,

**Leonard Brown, Date:
Division Administrator
Ohio Federal Highway Administration**

**Gordon Proctor, Director Date:
Ohio Department of Transportation**

WETLAND FINDING
FOR
FEDERAL AID PROJECTS
COVERED UNDER
THE PROGRAMMATIC CATEGORICAL EXCLUSION
AGREEMENT

This statement sets forth the basis for a finding that there is no practical alternative to construction in wetlands for those Federal-aid projects described in the 5/1/00 Programmatic Categorical Exclusion Agreement. All practical measures to avoid, minimize and mitigate impacts to wetlands, which may result from such use, will be taken. Enhancement opportunities will also be considered as appropriate for each impacted wetland. This finding is made in accordance with the requirements of Executive Order 11990 on the Protection of Wetlands, dated May 1, 1977.

The types of projects to be constructed under this finding are classified as Class II Federal-aid actions as described in 23 CFR 771.117 and fall within the bounds of the 5/1/00 Programmatic Categorical Exclusion Agreement. In compliance with this Finding the Ohio Department of Transportation, (ODOT), shall ensure that the project record includes an appropriate discussion of avoidance, minimization and mitigation alternatives for each impacted wetland.

The work in wetlands covered by this Finding can include those categories of activities described in the following Federal permits, regulations, or agreements:

Dredge or fill activities covered by and that satisfy the conditions of the Corps of Engineers (COE) Nationwide or Regional permits issued by the COE for waters of the United States under the COE jurisdiction (Title 33 CFR Part 320-330 published November 13, 1986, as amended), and individual permit actions for 2 hectares (5 acres) or less of impacted wetlands.

Alternative discussions for wetland avoidance shall discuss as a minimum:

1. Do Nothing; and
2. Improvements that will not result in any wetland impacts.

In order for this Finding to be applied to a project covered under this Programmatic Categorical Exclusion Agreement it must be documented that the 1) Do Nothing alternative is not practicable because: (a) It would not correct existing or projected capacity deficiencies; or (b) it would not correct existing safety hazards; or (c) it would not correct existing deteriorated conditions and maintenance problems; or (d) it would result in serious impacts to the motoring public and the general welfare of the economy in the area.

It must also be documented that 2) Improvements that will not result in any wetland impacts are not practicable because such avoidance would result in (a) substantial adverse community impacts to adjacent homes, businesses or other improved properties; or (b) substantially increased project cost; (c) unique engineering, traffic, maintenance, or safety problems; or (d) substantial adverse social, economic, or environmental impacts; or (e) the project not meeting identified needs. Within this discussion alternatives that would result in minor alignment shifts, use of minimum design requirements, use of retaining walls and/ or other structures, or alternative designs shall be assessed.

In addition it must be documented that all practicable measures to minimize the wetland impact(s) both within and outside of the highway right of way have been fully considered and incorporated into the projects design. Minimization measures that are incorporated into the design shall be listed as environmental commitments in the document. The use of appropriate erosion and sedimentation control and other measures required by the current ODOT Standard Specifications and special provisions shall be a standing ODOT commitment.

ODOT shall consider the mitigation of all wetland impacts and shall consider enhancement opportunities when they exist. Project mitigation measures shall be listed as environmental commitments in the document.

During the projects preliminary development, and design, coordination, as appropriate, with the Ohio Department of Natural Resources (ODNR), Corps of Engineers (COE), Ohio EPA and other State or local agencies shall be conducted. Additional measures, to avoid, minimize and mitigate the projects wetland impacts may be identified as a result of this coordination and incorporated into the project in order to secure the necessary permit(s).

Based on the discussions that shall be incorporated into the project records for each action processed under this Finding, it is determined that there is no practical alternative to the proposed construction in wetlands for the actions processed under the 5/1/00 Programmatic Categorical Exclusion Agreement and that the actions processed under this finding include all practicable measures to minimize harm to wetlands which may result from such use.

Leonard Brown,

Date:

**Division Administrator
Ohio Federal Highway Administration**

Donald E. Brown 4/27/2000